

that the rights of the people of Texas to the waters of the Pecos River are infringed by the diversion of said waters by the people of the State of New Mexico, or by any other agency, that the Attorney General be authorized to institute such legal proceedings as are necessary, in the name of the State of Texas, or in the name or names of individuals, irrigation companies, irrigation districts or the Board of Water Engineers of the State of Texas, as in his judgment should be done, to secure an adjudication of the controversy that has become of importance to the users of water from said Pecos River.

Committee Room,
Austin, Texas, July 19, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Concurrent Resolution No. 24, copy of which is hereto attached, and find it correctly enrolled, and have this day at 3:25 o'clock, p. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Woods and S. C. R. No. 24.
Williford.

Whereas, it is necessary that the Hon. H. B. Davis, Judge of the Thirteenth District of the State of Texas, be absent from the State for a period beginning between August 1, and August 10, 1919, and ending on October 1, 1919; therefor, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That leave of absence be granted to said Judge H. B. Davis, of the Thirteenth Judicial District of Texas for said time.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
Monday, July 21, 1919.

The Senate met 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, no quorum being present, the Senate on motion of Senator McNealus stood at ease until 11 o'clock a. m. today, at the expiration of which time the roll was

called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

Prayer by the Chaplain.
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Johnston was excused for today and for the remainder of this session on account of important business on motion of Senator McNealus.

Senator Parr for yesterday and the remainder of the Session on motion of Senator Page.

Messages from the House.

Hall of the House of Representatives:
Austin, Texas, July 21, 1919.

Lieutenant-Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate the House has passed the following bills:

H. B. No. 105, A bill to be entitled "An Act creating Warren Independent School District in Tyler county, Texas; defining its boundaries; providing for a board of trustees, etc., and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act making an appropriation of all funds coming into the hands of the State Highway Department of registration fees, and all other sources, for the period from June 22, 1919, to August 31, 1919, for the maintenance and operation of the said Highway Department."

S. B. No. 135, A bill to be entitled "An Act to amend Chapter 28 of the Acts of the Thirty-fifth Legislature, First Called Session, approved May 19, 1917, amending Chapter 15, Title 48, of the Revised Civil Statutes of the State of Texas by adding Article 2815c, so as to provide that said Article 2815c shall not be applicable in the case of any city which votes to extend its city limits without affecting an adjacent school district or districts, a portion or portions of which may be included within such city limits as extended; and declaring an emergency."

S. B. No. 63, A bill to be entitled "An Act to establish Common School District No. 46 in Freestone County, Texas, etc., and declaring an emergency."

S. B. No. 106, A bill to be entitled "An Act creating Quitman Independent School District in Wood County, Texas, etc., and declaring an emergency."

S. B. No. 124, A bill to be entitled "An Act to diminish the Civil and Criminal jurisdiction of the County Court of Menard County; to conform the jurisdiction of the District Court thereto and to repeal all laws in conflict herewith; and declaring an emergency."

S. B. No. 138, A bill to be entitled "An Act to create and establish Common School District No. 20 in Walker County, Texas, out of a part of the territory now embraced in Common School District No. 14 of said county etc., and declaring an emergency."

House has adopted Conference Committee report on House Bill No. 4, and has adopted Conference Committee Report on House Bill No. 91. Respectfully submitted.

T. B. REESE,
Chief Clerk, House of Representatives

Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

H. B. No. 44, referred to Committee on Finance.

H. B. No 105, referred to Committee on Educational Affairs

House Bill No. 202.

The Chair laid before the Senate on second reading:

H. B. No. 202, A bill to be entitled, "An Act to create an independent school district in Grimes county, Texas; to be known and designated as the 'Victory' Independent School District, said district to have certain metes and bounds."

The Committee report that the bill be not printed was adopted. The bill was read second time and passed to third reading.

On motion of Senator Dean the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 202 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Floyd.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Hall.	Suiter.
Strickland.	

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator Dean, was passed by the following vote:

Yeas—23.

Alderdice.	Floyd.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Hall. Suiter.
Strickland.

Absent—Excused.

Bledsoe. Johnston.
Dayton. Parr.
Gibson.

House Bill No. 185.

By unanimous consent and on motion of Senator Suiter, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 185 put on its second reading by the following vote:

Yeas—24.

Alderdice. Floyd.
Bailey. Hertzberg.
Buchanan of Bell. Hopkins.
Buchanan of Scurry McNealus.
Caldwell. Page.
Carlock. Rector.
Clark. Smith.
Cousins. Suiter.
Dean. Westbrook.
Dorough. Williford.
Dudley. Witt.
Faust. Woods.

Absent.

Hall. Strickland.

Absent—Excused.

Bledsoe. Johnston.
Dayton. Parr.
Gibson.

The Chair laid before the Senate on second reading:

H. B. No. 185, A bill to be entitled "An Act to amend Article 6938, Chapter 4 of the Revised Civil Statutes, prescribing the places where road overseers shall place index boards, and prescribing a penalty for failures to comply with this Act."

The Senate rule requiring Committee reports to lie over for one day was suspended.

The Committee report that the bill be not printed was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Suiter the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 185 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice. Hall.
Bailey. Hertzberg.
Buchanan of Bell. Hopkins.
Buchanan of Scurry McNealus.
Caldwell. Page.
Carlock. Rector.
Clark. Smith.
Cousins. Suiter.
Dean. Westbrook.
Dorough. Williford.
Dudley. Witt.
Faust. Woods.
Floyd.

Absent.

Strickland.

Absent—Excused.

Bledsoe. Johnston.
Dayton. Parr.
Gibson.

The bill was laid before the Senate, read third time, and on motion of Senator Suiter was passed finally.

Messages from the Governor.

Governor's Office,
Austin, Texas, July 21, 1919.

To the Thirty-sixth Legislature in Second Called Session Assembled: Gentlemen: At the request of Senator Carlock, I submit for your consideration the subject of creating the Oakland Independent School District, Tarrant County, Texas, etc., and declaring an emergency.

Respectfully submitted,
W. P. HOBBY, Governor.

Governor's Office,
Austin, Texas, July 21, 1919.

To the Thirty-sixth Legislature in Second Called Session:

Gentlemen: At the request of Senator Alderdice, I submit for your consideration the following subject, to-wit: "An Act creating the George County Line Common School District in Dallas and Ellis counties, Texas, etc."

Respectfully submitted,
W. P. HOBBY, Governor.

House Bill No. 183.

By unanimous consent and on motion of Senator Alderdice the constitutional rule requiring bills to be read on three several days was sus-

pending and House Bill No. 183 put on its second reading by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Strickland.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The Chair laid before the Senate on second reading:

H. B. No. 183, A bill to be entitled "An Act levying a State ad valorem tax for school purposes; making an appropriation of the funds so raised for the years ending August 31, 1920, and August 31, 1921; providing that from the funds arising under said tax the State Board of Education shall set apart an amount sufficient to purchase and distribute the necessary school books for the use of the pupils of this State for the scholastic year; repealing all laws in conflict herewith, and declaring an emergency."

The Senate rule requiring Committee reports to lie over one day, was suspended.

The Committee report that the bill be not printed, was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Alderdice the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 185 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Carlock.
Bailey.	Clark.
Buchanan of Bell.	Cousins.
Buchanan of Scurry	Dean.
Caldwell.	Dorough.

Dudley.	Page.
Faust.	Rector.
Floyd.	Suiter.
Hall.	Westbrook.
Hertzberg.	Williford.
Hopkins.	Witt.
McNealus.	

Absent.

Smith.	Woods.
Strickland.	

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator Alderdice was passed finally.

Senate Bill No. 146.—House Amendments Concurred In.

Senator McNealus called up for concurrence in House amendments to:

S. B. No. 146, amending the Dallas County Road law.

The following House amendment was read:

Amend Senate Bill 146 by adding to the caption, at the end thereof, the following:

Amending Section 5, so as to provide for an increase in the compensation of the County Engineer under certain conditions, and amending Section 7, limiting the time a consulting engineer may be employed, and declaring an emergency."

On motion of Senator McNealus the foregoing amendments were concurred in by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Strickland.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

House Bill No. 29.

The Chair laid before the Senate on second reading:

H. B. No. 29, A bill to be entitled "An Act to establish and create a Criminal Judicial District of Tarrant County, Texas, and to fix the territorial limits of said Criminal Judicial District, and to designate the courts that shall have jurisdiction in said Judicial District of Tarrant County; to provide for the creation of the office of Criminal District Attorney of said Criminal Judicial District, and for the election, qualification, powers, compensation and expenses of office of said Criminal District Attorney for said district; to provide for the appointment of assistants to the said Criminal District Attorney, and to provide for their powers, duties and compensation; and to provide for the present county attorney of Tarrant County, Texas, to assume the duties of and conduct the business of the Criminal District Attorney of Tarrant County, Texas, until his successor shall be elected and qualified, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The Senate rule requiring Committee reports to lie over for one day was suspended.

The Committee report that the bill be not printed and carrying amendments, was adopted. The bill was read second time and passed to third reading.

On motion of Senator Carlock, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 29 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Dudley.
Bailey.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Hall.
Caldwell.	Hertzberg.
Carlock.	Hopkins.
Clark.	McNealus.
Cousins.	Page.
Dean.	Rector.
Dorough.	Smith.

Suiter.
Westbrook.
Williford.

Witt.
Woods.

Absent.

Strickland.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator Carlock was passed finally.

House Bill No. 166.

The Chair laid before the Senate on second reading:

H. B. No. 166, A bill to be entitled "An Act to amend Section — of Chapter 102, Acts of the Thirty-sixth Legislature, passed at its Regular Session; providing that the commissioners court in any county in this State may provide and furnish a rest room for women and may assist in paying for the services of a matron for such rest room; providing for the appointment of such matron by the county judge; providing that counties having a population of less than 25,000 shall not expend more than \$125 in furnishing a rest room, nor more than \$15 per month for its maintenance, and that counties having a population of more than 25,000 and less than 50,000 may expend not to exceed \$200 in furnishing such rest room and not more than \$25 per month for its maintenance; and that counties having a population of more than 50,000 may expend not to exceed \$400 in furnishing a rest room and may expend not to exceed \$50 per month for its maintenance, and declaring an emergency."

The Senate rule requiring Committee reports to lie over for one day, was suspended.

The Committee report that the bill be not printed was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 166 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Strickland.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator Westbrook was passed finally.

House Bill No. 44.

By unanimous consent and on motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 44 put on its second reading by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Strickland.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The Chair laid before the Senate on second reading:

H. B. No. 44, A bill to be entitled

"An Act making an appropriation of all funds coming into the hands of the State Highway Department of registration fees, and all other sources, for the period from June 22, 1919, to August 31, 1919, for the maintenance and operation of the said Highway Department."

The Senate rule requiring Committee reports to lie over one day was suspended.

The Committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 44 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Strickland.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator Dean was passed by the following vote:

Yeas—22.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Rector.
Carlock.	Smith.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Faust.	Witt.
Floyd.	Woods.

	Absent.
Clark.	Page.
Dudley.	Strickland.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

Simple Resolution No. 38.

Whereas it has just come to the knowledge of the undersigned that Senator J. C. McNealus paid a hotel bill amounting to \$32.00 incurred by General Buck when in Austin at the invitation of the Senate during the Regular Session of the Thirty-sixth Legislature which said bill should have been paid by the Senate.

Therefore, be it Resolved, That said amount be refunded Senator McNealus and paid out of the contingent expense funds of the Senate.

WITT.

The resolution was read and adopted.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, July 19, 1919.

Lieutenant-Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 139, A bill to be entitled "An Act granting to Brazos County a more efficient and better road law; prescribing ways and means of conducting and supervising public road work in Brazos County; providing that there shall be levied and collected a tax from every male between the ages of twenty-one and forty-five, resident within Brazos County on the first day of January of each year outside the corporate limits of any incorporated town an annual road tax of six dollars, for the benefit of public roads and bridges, to be expended under the direction of the commissioners court; and providing that the tax collector shall furnish to the commissioners court, at its regular term in February, a complete list of the names of all persons, the precincts of their residence against whom a road tax has been assessed,

and has failed to pay same; and providing that upon failure of said persons to pay said tax, shall be summoned to work five days on the public road in their respective precincts, providing that they shall perform a reasonable amount of work on the public roads under the direction of the persons in charge of same, and a failure to do so, they shall be prosecuted; providing that eight hours shall constitute a day's work. Said Act further providing that the commissioners court have authority to appoint superintendents of roads and prescribe their duties; providing that the commissioners be ex-officio road commissioners of their respective precincts; defining their duties in reference to roads and providing that a bond be executed by them for the sum of one thousand dollars, payable to county judge; providing further that when any defined district of the county as a whole go to issue bonds provided under general law for permanent road improvement, that there be created a board of permanent road commissioners defining their duties, manner of selection, their qualifications, term of office, providing for filling of vacancies; providing for their compensation and for their giving bond; Providing further that this Act to be cumulative of all general and special laws of the State of Texas applicable to Brazos County, when not in conflict with the provisions of this Act, in which case the provisions of this Act shall prevail; requiring the courts to take notice of this Act without being specially plead and proved: and declaring an emergency."

S. B. No. 145, A bill to be entitled "An Act creating a more efficient road system for Wichita County, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such, etc., and declaring an emergency."

S. B. No. 146, A bill to be entitled "An Act to re-enact and amend the Chapter 57 of the Special Laws of the Thirty-fourth Legislature and which became effective March 22, 1915, entitled 'An Act to create a more efficient road system for Dallas County, Texas; and declaring an emergency,' " with amendment.

S. B. No. 165, A bill to be entitled "An Act creating a County Court of

Eastland County, Texas at law, defining and establishing the jurisdiction of said court and defining the jurisdiction retained by the County Court of Eastland County; providing for the term and practice therein; for the election, qualification of the judge thereof and the term of same; providing for the bond, oath of said judge, and for the appointment of the judge thereof. Providing for the issuance of writs and the return and service of same; providing for the appointment of jurisdiction commissioners; the selection of juries; the filling of the vacancies in the elections judges; the fees and salaries of the judge of the county court at law and of the county court, of Eastland County, Texas, and declaring an emergency."

S. B. No. 168. A bill to be entitled "An Act adding to Chapter 82, Local and Special Road Laws of the Thirty-second Legislature, 1911, the same being the special road laws for Tyler County, Texas, a new section to be known as Section 15a; providing for the compensation of the members of the county commissioners court of Tyler County, Texas while actually engaged in the discharge of their duties in the construction of roads throughout said county; and declaring an emergency."

S. B. No. 166, A bill to be entitled "An Act to create a common county line school district, to be under the jurisdiction, management and control of the county school board of Dallas County, Texas, to be composed of the territory described in this Act and defining the rights, powers and privileges of such district, and declaring an emergency."

S. B. No. 150, A bill to be entitled "An Act to incorporate Blessing Independent School District, to provide for an election of trustees for such district; to provide for the payment of the debts now existing against Common School District No. 11 of Matagorda County, Texas, etc., and declaring an emergency."

S. B. No. 153, A bill to be entitled "An Act creating the Moody Independent School District in McLennan County, Texas; defining its boundaries, including the present Moody

Independent School District, etc., and declaring an emergency."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

House Bill No. 25.

Senator Dorrough asked for unanimous consent to take up House Bill No. 25, providing for physical examination and health certificate for men prior to issuance of marriage license.

There was objection.

Senator Dorrough moved that the regular order of business be suspended, and the Senate take up, out of its order, House Bill No. 25.

The motion was lost by the following vote:

Yeas—13.

Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Rector.
Cousins.	Strickland.
Dorough.	Suiter.
Faust.	Witt.
Floyd.	Woods.
Hall.	

Nays—8.

Alderdice.	Hertzberg.
Bailey.	Smith.
Carlock.	Westbrook.
Dean.	Williford.

Present—Not Voting.

McNealus.

Absent.

Caldwell.	Dudley.
Clark.	Page.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

House Bill No. 161.

The Chair laid before the Senate on second reading:

H. B. No. 161, A bill to be entitled "An Act to amend Section 2 of Chapter 65 of the Acts of the Regular Session of the Thirty-sixth Legislature, being the rural school appropriation, by repealing subdivision (1) thereof and making said Section 2 read as follows"

The Senate rule requiring com-

mittee reports to lie over for one day was suspended.

The committee report that the bill be not printed.

The following amendment by Senator Dean was read and adopted.

Amend House Bill No. 161, page 2, Section 4, by striking out the words "of 50c on the hundred dollars property valuation," and substitute therefor "to the full amount permitted under the Constitution and laws."

The bill was read second time and passed to its third reading:

On motion of Senator Alderdice, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 161 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Floyd.
Bailey.	Hall.
Buchanan of Bell.	Page.
Buchanan of Scurry	Rector.
Hertzberg.	Smith.
Caldwell.	Strickland.
Carlock.	Suiter.
Cousins.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.

Absent.

Clark.	Hopkins.
Faust.	McNealus.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The bill was laid before the Senate, read third time, and on motion of Senator Alderdice was passed finally.

Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read the following:

S. B. No. 105 A bill to be entitled "An Act to amend Articles 637a, 637b, and 637c of Chapter 203, Acts of the Regular Session of the Thirty-fifth Legislature, which articles were

by said chapter added to Chapter 2, Title 18, Revised Civil Statutes, 1911, relating to the issuance of county bonds by any county for the purpose of purchasing or taking over improved roads already constructed by any road district or districts therein and further constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes throughout said county, etc., and declaring an emergency."

S. B. No. 134, A bill to be entitled "An Act to amend Chapter 141, General Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, and approved March 24, 1919, which Chapter is an Act amending Sections 12, 13 and 16 of Chapter 10, of the Acts of the Thirty-first Legislature passed at its Fourth Called Session; providing that the Prison Commission shall purchase machinery, tools and supplies necessary to meet the needs of the Penitentiary, and may establish such factories as in their judgment may be practicable and providing that the Prison Commissioners shall not have power to purchase or sell any real estate, except as they are directed to do so by the Legislature; provided that the Prison Commission, with the approval of the Governor, may purchase real estate contracted for prior to the passage of this Act; etc., and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act to amend Section 1, 7, 8, 9, 10, 13, 15, 17, 19, 23, 33, 54, 57, 58, 61, 66, 70, 71, 80 and 108 of Chapter 87 of the Acts of the Thirty-fifth Legislature, providing for the organization and operation of water improvement districts, and adding to said Act certain new sections numbered 118a, 119, 120, 121, and 122. Giving commissioners courts authority to create water improvement districts, and providing the method of the creation and operation of such districts under the authority granted by Section 52 of Article 3 of the Constitution of Texas or under Section 59 of Article 16 of the Constitution. Providing the requisite of petition for organization for notice of hearing thereon and ordering of elections to establish such districts and declaring the result thereof. Providing for the government of such district."

S. B. No. 51, A bill to be entitled

"An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 of Chapter 83 of the Acts of the Thirty-fifth Legislature approved on the 16th day of March, 1917, as amended by Chapter 170 of the same session of the Legislature, which last Chapter was approved March 31, 1917, pertaining to the prospecting for and development of minerals in the public free school lands, University, asylum and other public lands and waters, repealing all laws in conflict with this Act, and declaring an emergency."

S. B. No. 119, A bill to be entitled "An Act to amend Article 3083 of the Revised Civil Statutes of the State of Texas as amended by Chapter 13, General Laws of the Thirty-sixth Legislature at its Regular Session so as to prohibit the issuance of certificates of party nominations of ineligible candidates and prohibiting the placing of the names of any ineligible candidate upon the ballot for any general or special election; and declaring an emergency"

S. B. No. 19, A bill to be entitled "An Act to provide for the creation of conservation and reclamation districts within this State under and by virtue of the provisions of Section 59, Article 16 of the State Constitution to be known as Fresh Water Improvement District for the purpose of conserving, transporting and distributing fresh water from lakes, pools, wells, reservoirs, springs, creeks and rivers for domestic and commercial purposes; prescribing how such districts may be created; defining their rights, powers and privileges and the manner of their exercises; constituting such districts when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such; providing for the construction, maintenance and protection of works and improvements by them; granting to such districts the right of eminent domain and the power to levy taxes and to cause the same to be assessed and collected and to issue bonds and create indebtedness to raise funds for the objects of their creation, making penal interference with or injury to their works and improvements and fixing penalties and punishment to be imposed upon persons offending and declaring an emergency."

Senate Concurrent Resolution No. 23.

The Chair laid before the Senate on second reading:

S. C. R. No. 23, relating to the treatment of the State of Texas and its citizens by Mexico.

The Senate rule requiring that committee reports lie over for one day was suspended.

The committee report that the resolution be not printed was adopted.

The resolution was then read and adopted.

House Bill No. 5.—Vote Reconsidered.

By unanimous consent, Senator Page moved to reconsider the vote by which a new conference committee was elected on House Bill No. 5, relating to salaries of heads of departments, etc.

The motion to reconsider prevailed.

Senator Page moved to reconsider the vote by which the Senate adopted the report of the conference committee on House Bill No. 5, recommending a new conference committee.

The motion to reconsider prevailed.

Recess.

At 12:25 o'clock, p. m., the Senate, on motion of Senator Bailey, recessed until 2:30 o'clock, p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Johnson.

House Bill No. 139—Refusal to Take Up.

Senator Buchanan of Bell asked for unanimous consent to take up House Bill No. 139, providing for a tax on dogs. There was objection.

Senator Buchanan of Bell then moved to suspend the regular order of business and take up out of its regular order House Bill No. 139.

The motion was lost by the following vote:

Yeas—15.

Alderdice.	Cousins.
Buchanan of Bell.	Dudley.

Hall.	Strickland.
Hertzberg.	Suiter.
Hopkins.	Westbrook.
Page.	Witt.
Smith.	Woods.

Nays—9.

Bailey.	Faust.
Buchanan of Scurry.	Floyd.
Caldwell.	Rector.
Carlock.	Williford.
Dorough.	

Present—Not Voting.

Dean.	McNealus.
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Absent.

Clark.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

House Bill No. 63.

The Chair laid before the Senate on second reading:

H. B. No. 63, A bill to be entitled "An Act to amend Article 7819 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 37 of the General Laws of the First Called Session of the Thirty-third Legislature, defining who are public warehousemen and warehouses, and repealing Article 7827 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 37 of the General Laws of the First Called Session of the Thirty-third Legislature, relating to private warehouses and the limitations of the operation under the existing law of private warehouses and the issuance of warehouse receipts by private warehouses, and adding to the existing law Article 7827a, providing that all warehouses in the State shall be under the supervision of the Commissioner of Markets and Warehouses, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended.

The Committee report that the bill be not printed and carrying amendments was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Dean, the

constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 63 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Carlock.	Smith.
Clark.	Strickland.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Page.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The bill was laid before the Senate, read third time and, on motion of Senator Dean was passed finally.

House Bill No. 105.

By unanimous consent and on motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 105 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The Chair laid before the Senate on second reading:

H. B. No. 105, A bill to be entitled "An Act creating Warren Independent School District in Tyler County, Texas; defining its boundaries; providing for a board of trustees, etc., and declaring an emergency."

The Senate rule requiring Committee reports to lie over for one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to third reading.

On Motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 105 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

The bill was laid before the Senate, read third time and, on motion of Senator Cousins was passed by the following vote:

Yeas—26.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr.
Gibson.	

Message from the House.

Hall of the House of Representatives,
Austin, Texas, July 19, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 169, A bill to be entitled "An Act to amend the Polk County Road Law."

S. B. No. 170, A bill to be entitled "An Act creating the Graford Independent School District in Palo Pinto County, Texas."

S. B. No. 171, A bill to be entitled "An Act incorporating and creating the Oak Lawn Independent School District of Tarrant County, Texas."

Respectfully submitted,

T. B. REESE,
Chief Clerk, House of Representatives.

At Ease.

At 3:00 o'clock p. m., the Senate on motion of Senator Dorough stood at ease until 4:00 o'clock p. m., today.

In the Senate.

Lieutenant Governor Johnson in the Chair at 4 o'clock p. m.

House Bill No. 5—Conference Committee Report

Committee Room,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Hon. R. E. Thomason, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred House Bill No. 5, beg leave to report that the Senate recedes from its amendment, and we recommend the

passage of the bill as finally engrossed by the House.

PAGE.
DEAN.
DUDLEY.
STRICKLAND.
CALDWELL.

On the part of the Senate.

THOMAS.
KING.
STEPHENS.
DWIGGINS.
PEYTON.

On the part of the House.

The foregoing report was read and Senator Page moved its adoption.

The report was adopted by the following vote:

Yeas—15.

Alderdice.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Page.
Clark.	Westbrook.
Dean.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Nays—5.

Bailey.	Smith.
Dorough.	Suiter.
McNealus.	

Present—Not Voting.

Buchanan of Bell.

Absent.

Buchanan of Scurry	Parr.
Cousins.	Rector.
Hall.	Strickland.

Absent—Excused.

Bledsoe.	Gibson.
Dayton.	Johnston.

Simple Resolution No. 39.

Resolved, that there is hereby appropriated out of the contingent expense fund of the Senate the sum of two hundred and fifty dollars, or as much thereof as may be necessary for compiling, indexing and proof-reading the laws passed by the Second Called Session of the Thirty-sixth Legislature; said work shall be under the direction of the Secretary of State, and when same is completed voucher shall be issued by the Chairman of the Contingent Expense Com-

mittee of the Senate, upon account duly approved by the Secretary of State for the amount herein appropriated, and said account shall be paid by the Comptroller as all other accounts are paid.

CALDWELL.

The resolution was read and adopted.

Simple Resolution No. 40.

Be it Resolved by the Senate of the Thirty-sixth Legislature of Texas, assembled in Second Called Session, that the Sergeant-at-Arms be instructed to place all typewriter desks belonging to the Senate in Committee Room No. 3, to make an inventory thereof, lock the door, and turn the key over to the Superintendent of Public Buildings and Grounds, said desks not to be removed therefrom until the reconvening of the Legislature.

McNEALUS.

The resolution was read and adopted.

Bills and Resolutions Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following:

H. B. No. 198, A bill to be entitled "An Act to restore and confer upon the county court of Carson County the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

H. B. No. 103, A bill to be entitled "An Act to create and establish a court for the trial of criminal cases and offenses of a criminal nature arising within the city of Port Arthur, Texas, and to prescribe its organization, jurisdiction and procedure, to conform the jurisdiction and procedure of other courts thereto, to repeal laws in conflict herewith, and to declare an emergency."

H. B. No. 196, A bill to be entitled

"An Act adding territory to the present Cushing Independent School District of Nacogdoches and Rusk Counties; defining its boundaries; providing that all taxes levied heretofore levied in said district shall be by the board of trustees of said district levied and collected against all the properties located in the increased district, and declaring an emergency."

H. B. No. 194, A bill to be entitled "An Act to amend Chapter 56 of the Local and Special Laws of the State of Texas, etc., passed at the Regular Session of the Thirty-second Legislature, which said Act was 'An Act incorporating the Meridian Independent School District in Bosque County, Texas, for free school purposes only, defining its boundaries, etc., and declaring an emergency.'"

H. B. No. 224, A bill to be entitled "An Act to create a more efficient road system for Hopkins County Texas, etc., and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act creating West Orange Independent School District in Orange County, Texas; defining its boundaries; etc., and declaring an emergency."

H. B. No. 205, A bill to be entitled "An Act creating the Harrold Independent School District in Wilbarger County, Texas, out of the territory known as the Harrold Common School District No. 9 in said county etc., and declaring an emergency."

H. B. No. 45, A bill to be entitled "An Act making appropriations for the maintenance of the State Highway department for the two fiscal years beginning September 1, 1919 and ending August 31, 1921, from funds coming into the hands of said Department under the provisions of Chapter 190, General Laws of the Regular Session of the Thirty-fifth Legislature, etc., and declaring an emergency."

H. B. No. 222, A bill to be entitled "An Act to provide for the compensation of members of the board of permanent road commissioners in Kaufman County."

H. B. No. 218, A bill to be entitled "An Act to increase the limits of Mathis Independent School District of San Patricio County as created and established by Chapter 97 of the Acts of the Thirty-fifth Legislature

(H. B. No. 593), amending Chapter 74 (Senate Bill No. 349), Acts of the Thirty-third Legislature, and declaring an emergency."

H. B. No. 211, A bill to be entitled "An Act creating the Rice County Line Independent School District in Hamilton and Erath Counties, Texas; defining its boundaries, providing for a board of trustees to manage and control the public free schools within said district; divesting the town of Hico of the control of all property now held and used for public free school purposes; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free public school purposes only under the general laws; creating the trustees of said independent school district as a board of equalization thereof, and conferring upon them the powers, etc., given by the general laws and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act providing for the consolidation of common school district one with another, and for the consolidation of common school districts with independent school districts; defining ways and means whereby such consolidation may be effected, and providing for the organization and control of such consolidated districts, and providing for the assumption of all outstanding bonded indebtedness and preserving the bonding and taxing powers of said district, and declaring an emergency."

H. B. No. 55, A bill to be entitled "An Act to amend Section 8, Chapter 119, of the General Laws of the State of Texas, passed by the Thirty-second Legislature of the State of Texas, 1911, and as amended by Chapter 111 of the General Laws of the State of Texas, as passed by the Thirty-sixth Legislature, relating to the compensation of official shorthand reporters, repealing all laws in conflict with this section, and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act to create the Board of Public Printing, provide for a secretary who shall also be the State Expert Printer, and fixing his salary, providing clerical help for the State Expert Printer, to provide for the letting of contracts for printing, binding and furnishing stationery and other supplies, to authorize the Secretary of State to employ the nec-

essary help for the expenditures printing and mailing of the laws, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 167, A bill to be entitled "An Act to create and establish a court for the trial of criminal cases and offenses of a criminal nature arising within the city of Port Arthur."

H. B. No. 153, A bill to be entitled "An Act to amend Section Two (2) of Chapter 65, Acts of the Regular Session of the Thirty-sixth Legislature of the State of Texas, page 105 relating to providing aid for Rural Schools, and providing that State aid may be given to the schools of school districts in which the State of Texas owns 10 per cent of the real estate in such school district without reference to scholastic population to an amount not exceeding the amount such property would pay in school taxes to such district if owned by private persons providing that this aid shall not be extended until the district has levied the constitutional limit of local taxes and has not sufficient funds to run the school nine months in the year, and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act to create a more efficient road law for Blanco County, Texas, and to provide for the appointment of a superintendent of public roads, highways and bridges for Blanco County, and to provide his qualifications, terms of office and salary, defining his duties and powers, and providing for punishment for violation of his duties."

At Ease.

At 4:30 o'clock, p. m., the Senate, on motion of Senator McNealus, stood at ease until 5:30 o'clock, p. m. today.

In the Senate.

Lieutenant Governor Johnson called the Senate to order at 5:30 o'clock, p. m.

Adjournment.

At 5:30 o'clock, p. m., the Senate, on motion of Senator Page, adjourned until 10 o'clock tomorrow.

APPENDIX.

Petitions and Memorials.

The following communications were read and ordered printed in full:

Galveston, Texas, July 20, 1919.

Hon. W. A. Johnson, Lieutenant-Governor, Austin, Texas.

Dear Sir: I am today sending to Governor Hobby the following letter:

"I have just read in the morning paper of my appointment by you as a member of the State Library and Historical Commission. I deeply appreciate the honor conferred on me and regret that I will be unable to accept this appoint, should my name be confirmed by the Senate. I have a young Democrat in my home who demands my entire time and I feel that I could not give proper attention to either by accepting.

I hasten to write to you in regard to this so that you may send in another name to the Senate for confirmation before adjournment Tuesday.

Thanking you for the compliment, not only for myself and husband, but for our boy, I am respectfully."

With regrets that I am unable to become a member of your administration, I am,

Sincerely,

MRS. J. L. DARROUZET.

Austin, Texas, July 21, 1919.

The Honorable Senate of the State of Texas.

Gentlemen: In response to the resolution passed by your body in regard to nepotism in the Department of the State. I have to reply in compliance with such resolution that there is not, in the employ of the Game, Fish and Oyster Department, any person related to me by affinity or consanguinity and there is no member of my family, either by blood or marriage, connected with any department of this State. I can further state that I have no one in my employ, who is related to the head of any Department of the State. There may be a warden here and there throughout the State that may be related to some of these officials, but I do not know them and have never heard of any such relationship.

Very truly yours,

W. G. STERRETT,

Game, Fish and Oyster Comm'r.

To the Honorable Senate.

Replying to Simple Resolution No. 35, beg to advise I haven't now nor never have had any employe who was in anyway related to me employed in this Department. Neither have I any employe who is related to the head of any other department.

Respectively yours,

R. H. HOFFMAN,
Food and Drug Commissioner.

Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, Lieutenant Governor, and President of the State Senate of Texas.

Sir: This is to advise you that the State Farmer's Institute will meet in Austin on the 6th, 7th, 8th, of August next.

I am directed by the Commissioner of Agriculture, Hon. Fred W. Davis, who is also President of this institute, to extend to you and to your honorable body a most cordial invitation to be present and take part in the said meeting.

Each Senator is urgently requested to attend.

Respectfully,
J. W. NEILL,
Director of Institutes.

Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, Lieutenant Governor, Capitol.

Dear Sir: I have been informed that a resolution was adopted by the Senate calling on the various heads of the Departments of State Government to inform the Senate whether or not they had any persons in their employ who were related to the heads of any other Departments of the State Government. I have not received a copy of this resolution and therefore do not know its exact contents.

However, for your information and the information of the Senate, I beg to inform you that none of the assistants or employes of this Department are in any way related, so far as I know to the heads of any Departments of the State Government. I may also add that I have no relatives in the employ of the State.

Yours very truly,
C. M. CURETON,
Attorney General.

Austin, Texas, July 21, 1919.

To the Hon. W. A. Johnson, President of the Senate, Capitol.

Dear Sir: In pursuance with re-

quest contained in Senate Resolution No. 35, I have the honor to advise the Senate that there are no clerks in the employment of this Department now (nor has there been) related to me in any degree whatever; nor have I any clerk employed who is related to the head of any other department.

With great respect, I am, my dear sir,

Yours truly,
ROBT. L. POLLARD,
State Purchasing Agent.

Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, Lieutenant Governor, State of Texas. Capitol.

Dear Sir: Replying to the notice I received thru the handing me of Simple Resolution No. 35, by Clark, I desire to say in answer to same, as requested by said resolution, that I have no one in this Department, or any other Department, related to me by affinity or consanguinity within the third degree in either case.

Trusting this gives the desired information, I am,

Yours truly,
GEO. F. HOWARD,
Secretary of State.

There is no person employed in the Secretary of State's Department who is in any way related to the head of any other department of the State Government.

C. O. MIMS,
Acting Secretary of State.

Austin, Texas, July 21, 1919.

To the Honorable, the Senate of Texas. Capitol.

Sirs: In compliance with the Simple Resolution No. 36, of your Honorable Body, it is my pleasure to report as follows:

There is no person related to me in any way or manner employed in any of the departments of the State Government.

In answer to the other information you request, will state that my secretary and stenographer is the daughter of the Chief Auditor of the Comptroller's Department.

My secretary and stenographer has been with this department for two and a half years, first being employed by my predecessor, Hon. A. P. Bagby, and on account of her efficiency and intricate knowledge of the workings of this department she was retained

in the service by the writer when he came into office.

I have no other employees and submit this for your consideration.

Yours very truly,
JAMES A. KING,
State Tax Commissioner.

Austin, Texas, July 21, 1919.

Honorable W. A. Johnson, President of the Senate, State Capitol.

Dear Sir: Answering Senate Simple Resolution No. 35, concerning nepotism in the Department, beg to say the wife of my 19 year old son was employed for some two months including April and May, present year, in the Highway Department. Besides that, I have no relative in the degree mentioned employed in any department, so far as I know, nor have I ever at any time, so far as I recall, had any one employed in this Department who in any degree was related to the head of any other department or institution of the State.

The employment mentioned concerning my daughter-in-law was entirely without trade concerning relatives.

Very truly yours,
J. T. ROBINSON,
Commissioner General Land Office.

Austin, Texas, July 21, 1919.

Hon. W. V. Howerton, Secretary of the Senate, Austin, Texas.

Dear Sir: Replying to Simple Resolution No. 35, adopted by the Senate of Texas, beg to advise that I have no relatives within the second degree by affinity, or within the third degree by consanguinity, employed in any State Department.

This is to advise you also that the Railroad Commission of Texas has no person in its employment who is related in any of the above mentioned degrees to the head of any other department or institution of the State, nor any person employed in such other departments or institutions, or holding a contract with the State for any character of service whatever.

This applies to the last six months as well as to the present.

Yours very truly,
EARLE B. MAYFIELD.

Austin, Texas, July 21, 1919.

Hon. W. V. Howerton, Secretary of the Senate, Austin, Texas.

Dear Sir: Responding to Simple

Resolution No. 35, by Senator Clark, I advise that there is no persons related to me within the second degree by affinity or the third degree by consanguinity, now or at any time during the last six months, or prior thereto, employed in any of the State Departments or institutions; nor is there employed by the Railroad Commission any person related within the second degree by affinity or the third degree by consanguinity, to the head of any other State Department or institution of Texas, nor related to any person employed in any State Department or institution, now or at any time during the past six months.

Yours very truly,
CLARENCE E. GILMORE,
Member of Railroad Commission of Texas.

Ft. Worth, Texas, July 21, 1919.

To the Honorable Senate of Texas.

Replying to Resolution No. 35, beg to advise that I do not have now, nor have I ever had, any employe who was in any way related to me employed in this Department; neither have I, so far as I know, had any employe who is related to the head of any State Department.

Yours truly,
W. A. WALLACE
Chairman, Livestock Sanitary Commission.

Austin, Texas, July 21, 1919.

To His Excellency, W. A. Johnson, President of the Senate.

Dear Sir: Beg to acknowledge receipt of Simple Resolution No. 35, by Senator Clark, wherein you make inquiry regarding employes of this Department.

Since I have been a member of the Board of Pardon Advisors, to-wit, some fifteen months, this Board has not had in its employment any person related to either member of the Board in the degree referred to by the resolution, or in any degree whatsoever.

Our regular stenographer, Jimmie practically all the while, is not related to either member of the Board in any degree, but is the son of a widow lady who lives in San Antonio, Texas. He is now confined in a hospital of said city, and we are now using in his place little Jack Fernandez.

My son, Tracy, is just a boy 14

years of age, and if for a few days, on account of busy times in the Governor's Office, due to the closing of the Legislature, is now working as messenger boy for a few days. He was the only available boy right at the time, and I told him to go up and do what they wanted done up there, as a matter of helping the Governor out of a tight.

Respectfully submitted
FRITZ R. SMITH,
Chairman, Board of Pardon Ad-
visors.

Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: I am directed by the Board of Water Engineers to acknowledge receipt on this date of a copy of Senate Resolution No. 35 making inquiry as to the relation by affinity or otherwise of employes in departments to heads of other departments. I am directed by the Board to reply as follows:

1. There is not in the employ of the State in any department or institution any person related in any degree to any member of the Board of Water Engineers or the secretary of the Board, and no person related in any degree to any member of the Board of Water Engineers or the secretary has been so employed in the past.

2. There is not now employed, and has not been employed, in the Department of the Board of Water Engineers any person related in any degree to the head of any other State Department or the head of any institution of the State of Texas.

Respectfully submitted,
JAMES HAYS QUARLES,
Secretary, Board of Water En-
gineers.

Austin, Texas, July 21, 1919.

Mr W. V. Howerton Secretary of
Senate, Capitol.

My Dear Sir: Complying with your request as per the Senate Simple Resolution No. 35, beg to advise as follows:

I have one daughter employed by the Comptroller.

The last six months I have had the following employes in my employ, viz:

S. H. Terrell.
George B. Terrell, and

Aylita Terrell, in the capacity of Appropriation Clerk.

Jim Ned English, related to Mr. S. W. English, Fire Insurance Commissioner, in the capacity as Clerk in the Depository Department.

In explanation of the employment of three members of Mr. Terrell's family, beg to advise that Mr. S. H. Terrell who was formerly an employe of the Treasury Department has returned from the army, and when I was inducted into office I gave him his old position; later on I permitted his sister to take the place vacated by him, and still later Miss Aylita Terrell was absent and her brother George performed her duties in her absence, he having held the same place under my predecessor.

Respectfully,
JNO. W. BAKER,
State Treasurer.

Austin, Texas, July 21, 1919.

Hon. W. V. Howerton, Secretary of
the Senate, Capitol Station, Austin,
Texas

Dear Sir: In response to the request contained in Simple Resolution No. 35, I beg to advise that I have no one related to me in any degree employed in any State Department. Neither have I any one employed in the Labor Department who is related to the head of any other Department.

I have a son, Dewitt Jennings, employed at present in the Senate as a page, and also a cousin, Mrs. Eva Harmon, employed in the Senate as Enrolling Clerk.

Mrs. C. D. Watts, who is employed in the Woman's Division of the Labor Department, is the wife of Mr. C. D. Watts, who is employed as an investigator under the Industrial Welfare Commission.

Very truly yours,
T. C. JENNINGS,
Commissioner.

Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the
Senate.

Dear Mr President: This will acknowledge receipt of copy of Senate Simple Resolution No. 35 by Clark relative to the heads of departments of the State Government having relatives of theirs employed in other departments and relatives of heads of other departments employed by them.

I beg to advise that at no time

since I have been the head of this department have I had any relative of the head of any department of the State Government employed in this department, neither has any relative of mine, within the second degree of consanguinity or the third degree by affinity, been employed in any department of the State Government.

Yours very truly,
BRUCE W. BRYANT,
 Supt. Public Buildings and
 Grounds.

Austin, Texas, July 21, 1919.
 Hon. Lieutenant Governor, W. A. Johnson, President of the Senate.

Dear Governor: Beg to advise that I have a son, W. C. Goddard, a University student, temporarily employed in the capacity of clerk by the Fire Insurance Commission. There was employed by the State Health Department from March 19th, to April 30th, Mrs. Eva Harmon, who is related to Mr. T. C. Jennings, Labor Commissioner, in the second degree of consanguinity. She is not now employed in said department, and in so far as I have any knowledge there is no other person coming within the spirit of this resolution.

Respectfully,
C. W. GODDARD, M. D.,
 State Health Officer.

Committee Reports.

Committee Room,
 Austin, Texas, July 21, 1919.
 Hon. W. A. Johnson, President of the Senate.

Sir: Your committee on Educational Affairs to whom was referred House Bill No. 161, have had same under consideration and I am instructed to report it favorably with the recommendation that it do pass, and that it be not printed.

ALDERDICE, Chairman.

Committee Room,
 Austin, Texas, July 21, 1919.
 Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred House Bill No. 183, have had same under consideration, and I am instructed to report it favorably with the recommendation that it do pass, and that it be not printed.

ALDERDICE, Chairman.

Committee Room,
 Austin, Texas, July 22, 1919.
 Hon. W. A. Johnson, President of the Senate.

Sir: We, a majority of your Committee on Public Health, to whom was referred

H. B. No. 25, A bill to be entitled "An Act requiring all men to submit to physical examination and furnish to the clerks to whom they apply for a license to marry, a certificate from a reputable physician that they are free from venereal disease; prescribing penalties and declaring an emergency,"

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

McNEALUS, Chairman.

Committee Room,
 Austin, Texas, July 21, 1919.
 Hon. W. A. Johnson, President of the Senate.

Sir: I, a minority of your Committee on Public Health, to whom was referred House Bill No. 25, have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do not pass and be not printed.

CARLOCK.

Committee Room,
 Austin, Texas, July 21, 1919.
 Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

H. B. No. 35, A bill to be entitled "An Act to amend Rule 3, relating to "Contagious Diseases" of Section 10, of Chapter 30 of the General Laws of the State of Texas, passed by the Thirty-first Legislature at its Regular Session,"

Have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

McNEALUS, Chairman.

Committee Room,
 Austin, Texas, July 21, 1919.
 Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Public Health to whom was referred

H. B. No. 37, A bill to be entitled "An Act to amend Article 4521 of the 1911 Revised Civil Statutes of

Texas, relating to the creation of the State Board of Health, to provide for the appointment and organization of said Board and the name of its officers, to provide for the designation by the Governor of one member of said Board as State Health Officer, the member designated as State Health Officer to hold a term of two years; the other member to hold office for a term of six years. The present member of the Board shall not be affected by the provision of this Act,"

Have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

McNEALUS, Chairman.

Committee Room,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Public Health to whom was referred

H. B. No. 139, A bill to be entitled "An Act relating to dogs; the prevention of the spread of hydrophobia by dogs, promotion of live stock industries and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs; and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show and breeding purpose; prescribing certain privileges for hunting dogs, providing for listing of dogs by county assessors and penalty for his failure to so list; providing for the assessment of damages done by dogs, and payment thereof, by the proper county to the owner of live stock and poultry, and of damage to licensed dogs, imposing powers and duties on certain State and County officers, and providing penalties and fees,"

Have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

McNEALUS, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, July 31, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 185, A bill to be entitled "An Act to amend Article 6938, Chapter 4 of the Revised Civil Statutes prescribing the places where road overseers shall place index boards, etc.,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Woods, Chairman, Strickland, Wilford, Carlock, Caldwell, Clark.

Committee Room,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 29, A bill to be entitled "An Act to establish and create a Criminal Judicial District of Tarrant County, Texas, and to fix the territorial limits of said Criminal Judicial District, and to designate the courts that shall have jurisdiction in said Judicial District of Tarrant County: to provide for the creation of the office of Criminal District Attorney of said Criminal Judicial District, and for the election, qualification, powers, compensation and expenses of office of said Criminal District Attorney for said district; to provide for the appointment of assistants to the said Criminal District Attorney, and to provide for their powers, duties and compensation; and to provide for the present County Attorney of Tarrant County, Texas, to assume the duties of and conduct the business of the Criminal District Attorney of Tarrant County, Texas, until his successor shall be elected and qualified, and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency,"

Have had said bill under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass as amended by the committee, the committee amendments being attached

hereto, Nos. 1, 2, 3, and 4, and that it be not printed.

DEAN, Chairman.

Committee amendment No. 1.

Amend House Bill No. 29 by striking out Section 4 and insert in lieu thereof the following:

"Section 4. Said Criminal District Attorney of Tarrant County shall be commissioned by the Governor and shall receive as salary and compensation the following and no more:

"A salary of five hundred (\$500.00) Dollars from the State of Texas, as provided in the Constitution of the State of Texas, for the salary of District Attorneys and so much of the fees, commissions and perquisites earned by said office to make up the total compensation to the sum of six Thousand (\$6,000) Dollars; provided, that the amount of such salary, fees and perquisites to be so received and retained by him shall never exceed the sum of Six Thousand (\$6,000) Dollars in any one year; and, provided, further, that all salaries, fees, commissions and perquisites so earned and received by such office in excess of \$6,000 during each and every fiscal year shall be paid into the County Treasury of said county in accordance with the terms and provisions of the maximum fee bill, except as to such portion of such excess as shall be used and expended in the payment of salaries to deputies, as hereinafter provided."

Committee amendment No. 2.

Amend House Bill No. 29 by striking out Section 5 and inserting in lieu thereof the following:

"Section 5. The Criminal District Attorney of Tarrant County, for the purpose of conducting the affairs of such office, shall be and is hereby authorized, by and with the written consent of the County Judge of said county, to appoint such Assistant District Attorneys as are necessary to perform the duties and affairs of such office, not to exceed six in number; two of whom shall receive a salary not to exceed Twenty-five Hundred (\$2500.00) Dollars each per annum; two of whom shall receive a salary not to exceed Two Thousand (\$2,000) Dollars each per annum; one of whom shall receive a salary not to exceed Eighteen Hundred (\$1800.00) Dollars per annum; one of whom to receive a salary not to exceed Fifteen Hundred (\$1500.00) Dollars per an-

num; all salaries payable monthly and the said salaries to be paid only out of the fees of office collected by such District Attorney. Said fees of office to be the same as are now allowed and permitted by law to be paid to the County Attorney of Tarrant County, Texas. The fixing of the amount of salaries to be paid by Tarrant County to said deputies shall be fixed and regulated by the Commissioners' Court of said county by an order passed at a regular session of said court and duly spread upon the minutes of said court."

Committee amendment No. 3.

Amend House Bill No. 29, Section 7, by striking out all of said Section, and substituting a new section, to-wit:

"Section 7. Said Criminal District Attorney of Tarrant County shall be clothed with all the powers and vested with all the rights and privileges conferred upon county attorneys and district attorneys of this State, and shall receive no salary or compensation or perquisites or fees of any character save those provided in Section 4 of this Act. All fees or commissions from all sources, including fees and commissions in all criminal and civil cases, and for the prosecution of all tax suits, and from every other source, shall be turned over to the County Treasurer of said County by the said District Attorney, subject only to the payment of the salary of himself and his deputies, as provided in this Act."

Committee amendment No. 4.

Amend Section 3 of House Bill No. 29 by adding after the words "the Commissioners' Court of Tarrant County," the following words: "and justice courts".

Committee Room.

Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public Health to whom was referred House Concurrent Resolution No. 10, have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

McNEALUS, Chairman.

Committee Room,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 44, A bill to be entitled "An Act making an appropriation of all funds coming into the hands of the State Highway Department of registration fees, and all other sources, for the period from June 22, 1919, to August 31, 1919, for the maintenance and operation of the said Highway Department,"

Have had the same under consideration, and I am directed to report the same back to the Senate, with the recommendation that it be passed and be not printed.

WESTBROOK, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 166, A bill to be entitled "An Act to amend Section 1 of Chapter 102, Acts of the Thirty-sixth Legislature passed at its Regular Session; providing that the commissioners' court in any county in this State may provide and furnish a rest room for women and may assist in paying for the services of a matron for such rest room; providing for the appointment of such matron by the county judge; providing that counties having a population of less than 25,000 shall not expend more than \$125.00 in furnishing rest room, nor more than \$15.00 per month for its maintenance, and that counties having a population of more than 25,000 and less than 50,000 may expend not to exceed \$200.00 in furnishing such rest room and not more than \$25.00 per month for its maintenance; and that counties having a population of more than 50,000 may expend not to exceed \$400.00 in furnishing a rest room, and may expend not to exceed \$50.00 per month for its maintenance; and declaring an emergency,"

Have had same under consideration and beg leave to report same back to the Senate with the recom-

mendation that it do pass and that it be not printed.

Hertzberg, Chairman; Dudley, Buchanan of Bell, Witt.

Committee Room,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: The Committee on Civil Jurisprudence, to whom was referred

H. B. No. 63, A bill to be entitled "An Act to amend Article 7819 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 37, of the General Laws of the First Called Session of the Thirty-third Legislature, defining who are public warehousemen and warehouses, and repealing Article 7827 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 37 of the General Laws of the First Called Session of the Thirty-third Legislature, relating to private warehouses and the limitations of the operation under the existing law of private warehouses and the issuance of warehouse receipts by private warehouses, and adding to the existing law Article 7827a, providing that all warehouses in the State shall be under the supervision of the Commissioner of Markets and Warehouses, and subject to the provisions of Chapter 41, of the General Laws of the First Called Session of the Thirty-fifth Legislature, approved May 25, 1917; and providing further that all warehouse receipts issued by any warehouseman in Texas shall be subject to the provisions and penalties of the Uniform Warehouse Receipts Act passed by the Thirty-sixth Legislature, the same being Chapter 126 of the General Laws of the Regular Session of the Thirty-sixth Legislature, and declaring an emergency,"

Has had said bill under consideration, and begs to report the same back to the Senate with the recommendation that it do pass, as amended by the Committee, the Committee amendments being attached hereto, and that the same be not printed.

DEAN, Chairman.

Amendment No. 1.

Amend the caption by striking out the words "and adding to the existing law Article 7827a, providing that all warehouses in the State shall be under the supervision of the

Commissioner of Markets and Warehouses, and subject to the provisions of Chapter 41 of the General Laws of the First Called Session of the Thirty-fifth Legislature, approved May 25, 1917."

Amendment No. 2.

Amend the bill by striking Section 3 thereof, and re-numbering the remaining sections to correspond.

Committee Room,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred H. B. No. 105, A bill to be entitled "An Act creating Warren Independent School District in Tyler County, Texas,"

Have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

(Floor Report.)

Committee Room,
Austin, Texas, July 12, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

S. B. No. 150, A bill to be entitled "An Act to re-incorporate the Blessing Independent School District, to provide for an election of trustees for such district; to provide for the payment of the debt now existing against Common School District No. 11 of Matagorda County, Texas, to levy, assess and collect taxes for the maintenance, equipment and conducting of free schools within the territory embraced in said district, the issuance of bonds, the levy, assessment and collection of taxes, for the payment of interest, and providing a sinking fund for the re-payment of such bonds, providing officers to conduct the affairs of such district and to assess and collect all taxes levied by such district, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, July 21, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 59, copy of which is hereto attached, and find it correctly enrolled, and have this day at 9:55 o'clock, a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, July 21, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: Your committee on Enrolled Bills have carefully examined and compared Senate Bill No. 8, copy of which is hereto attached, and find it correctly enrolled, and have this day at 9:55 o'clock, a. m. presented the same to the Governor for his approval.

SMITH, Chariman.

By Westbrook. S. B. No. 8.

A BILL To be Entitled

An Act to make appropriations to cover authorized deficiencies for the fiscal year ending August 31, 1919, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums be and the same are hereby appropriated to cover deficiencies for the purposes named for the fiscal year ending August 31, 1919. Deficiencies granted by Governor Hobby and filed with the Comptroller as follows:

For the year
ending Aug.
31, 1919.

Treasury Department:	
Extra clerical help.....	\$ 1,500.00
Books, stationery, furniture and postage.....	1,000.00
Agricultural Department:	
For the prevention of the pink boll worm...	1,500.00
Confederate Home:	
Support and maintenance, not otherwise provided for herein, including mileage and	

	For the year ending Aug. 31, 1919.
per diem of the Board of Managers or Trus- tees	\$ 25,000.00
Dry goods and clothing.	2,000.00
Tuberculosis Sanitorium:	
For the support and maintenance, n o t otherwise provided for herein, including mile- age and per diem of the Board of Managers or trustees.	30,000.00
Board of Pardon Advisors:	
Traveling expenses of the Board, exclusively for penitentiary investiga- tion.	200.00
Governor's Office:	
Payment of rewards and other expenses neces- sary for the enforce- ment of law, tele- graphing, telephoning, and for other purposes	3,000.00
State Land Office:	
P o s t a g e, stationery, books and express. . . .	3,000.00
State Library:	
Stationery, library sup- plies, postage, freight and express.	375.00
Board of Health:	
Printing, books and sta- tionery.	5,000.00
Gas, oil, ice, water, telephone, telegraph for quarantine station	1,500.00
Postage and box rent. . .	1,000.00
Department of Education:	
Postage, stationery, of- fice furniture, files binding reports and other book forms, etc.	4,000.00
Contingent expenses. . . .	1,250.00
Printing, distributing county superintendent record books, teachers registers, educational bulletins, etc., or for the advancement of the cause of education	43,675.00
Total.	\$124,000.00

Sec. 2. The fact that there are no appropriations to pay the deficiency claims above enumerated, which are outstanding and which are just, and legal demands against the State,

creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage; and it is so enacted.

Committee Room,

Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 108 copy of which is hereto attached, and find it correctly enrolled, and have this day at 9:55 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Strickland, S. B. No. 108
Cousins, Smith.

A BILL To Be Entitled

An Act to change the name of the Insane Asylum at Rusk, Texas, known as the Hospital for Negro Insane to the East Texas Hospital for the Insane; providing for the immediate admission of all insane persons; providing for the admission of both white and negro insane, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the name of the Insane Asylum at Rusk, Texas, known as the Hospital for the Negro Insane be changed to "East Texas Texas Hospital for the Insane".

Sec. 2. That as soon as this Act becomes effective and operative, the superintendent of said asylum shall admit all persons in Texas who have been adjudged insane, giving preference to those who are now in jail, or other places of restraint.

Sec. 3. That both white and negro patients shall be admitted to said hospital, but the whites and negroes shall be kept in separate wards, and the two races shall be kept separate and apart at all times.

Sec. 4. All laws and parts of laws in conflict with this Act are hereby repealed, but this Act is intended to be cumulative of all other laws relating to the care and custody of the insane.

Sec. 5. The fact that there are

now confined in the jails of this State, a large number of both white and negro insane, and that there is no other place prepared to receive them at once, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, July 21, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: We, your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 21, copy of which is hereto attached, and find it correctly enrolled, and this day at 9:55 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Buchanan of S. B. No. 21.
Scurry.

A BILL
To Be Entitled

An Act to amend Article 1390, Title 28, Chapter 5, of the Revised Civil Statutes of the State of Texas of 1911, relating to the proceedings for the removal of county seat, so as to provide that, in all counties having not more than one hundred and fifty freeholders and qualified voters, the application for the election for said purpose shall be held sufficient when it shall have been signed by a majority of the resident freeholders and qualified voters to be determined by the county judge, or in case of his failure or inability to act, then by any two of the county commissioners of said county, from the assessment rolls thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1390 of Chapter 5, of Title 28 of the Revised Civil Statutes of the State of Texas of 1911, be so amended as to hereafter read as follows:

Section 1390. Proceedings for removal of county seat. When it becomes desirable to remove the county seat of any county, it shall be the duty of the county judge of said county, or, in case of his failure or inability to act; then two

of the county commissioners of said county, upon the written application of not less than one hundred freeholders and qualified voters, who are resident citizens of said county thereof, to make an order in writing upon the minutes of said commissioners' court for the holding of an election at various voting precincts in said county on a day therein named, which shall not be less than thirty days nor more than sixty days from date of order, for the purpose of submitting the question to the electors of said county; provided, that, when a county seat has been established for a longer term than ten years, it shall require two hundred freeholders and qualified voters to make said application; provided, further, that in counties having less than three hundred and fifty legal voters, to be determined by the number of votes cast at the last proceeding election for the State and county officers, such application may be made by one hundred resident freeholders and qualified voters of said county; and provided, further, that, when a county seat has been established for a longer term than forty years, it shall require a majority of the resident freeholders and qualified voters of said county to make the application, said majority of freeholders and qualified voters to be ascertained by the county judge, or, in case of his refusal or inability to act, then by any two of the county commissioners of said county, from the assessment rolls thereof; and provided, further, that in counties having not more than 150 qualified voters, such application shall be held sufficient when it shall have been signed by a majority of the resident freeholders and qualified voters of said county, said majority of freeholders and qualified voters to be ascertained by the county judge, or in case of his refusal or inability to act, then by any two of the county commissioners of said county, from the assessment rolls thereof.

Section 2. The fact that some of the counties of this State have fewer than one hundred resident freeholders and qualified voters and are, therefore, unable, under the existing law, to secure an election for removal of county seat, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three

several days in each House be suspended, and it is so suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, July 21, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: We, your committee on Enrolled Bills have carefully examined and compared Senate Bill No. 51 copy of which is hereto attached, and find it correctly enrolled, and have this day at 11:40 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Dudley, S. B. No 51.
Buchanan of Scurry.

A BILL
To Be Entitled

An Act to promote the development of oil and gas resources of the State of Texas in Asylum, University and public free school lands, constituting the owner of the soil, the agent of the State in procuring said development in certain instances and in the manner provided herein, and in consideration for said services, relinquishing to and vesting in the owner of the soil an undivided fifteen-sixteenths of all oil and gas and the value of the same that may be within or upon all surveyed public free school and asylum land and portions of same which have heretofore been sold and which may hereafter be sold with a mineral classification or with a mineral reservation, and reserving to the public free school and asylum funds the remaining undivided one-sixteenth and the value of same; authorizing the owner of the soil to sell or lease same for the development of the oil and gas that may be therein and securing to said funds their portion thereof; providing for the drilling of offset wells; providing for the forfeiture of oil and gas rights for failure to comply with the law and for the reinstatement of forfeited rights; providing for a combination of oil and gas permits and for the extension of time in which to begin and complete development upon payment of sums due under the terms of the permits;

providing for the assignment or permits and leases; providing for the relinquishment of the whole or part of a permit; providing that permits on University land shall come within certain provisions of this Act; providing that payment per acre and obligations to pay royalty shall, when paid, be in lieu of damages to the soil; providing that rights secured under former law shall not be affected except as changed or modified by this Act and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. To promote the active co-operation of the owner of the soil and to facilitate the development of its oil and gas resources the State hereby constitutes the owner of the soil, its agent for the purposes herein named, and in consideration herefor, relinquishes to and vests in the owner of the soil an undivided fifteen-sixteenths of all oil and gas and the value of the same that may be upon or within the surveyed free school and asylum lands and portions of such surveys that have heretofore been sold with a mineral classification and that which may hereafter be sold with a mineral classification or mineral reservation, subject to the terms and conditions of this Act and any future law; and the remaining undivided portion of said oil and gas and the value of same is hereby reserved for the use and benefit of the public free school fund and the several asylum funds.

Sec. 2. The owner of said land is hereby authorized to sell or lease to any person, firm or corporation the oil and gas that may be thereon or therein upon such terms and conditions as such owner may deem best, subject only to the provisions of this Act and the reservation herein, for the benefit of the school and asylum funds. All leases and sales so made shall be assignable; provided that no oil or gas rights shall be sold or leases hereunder for less than ten cents per acre per year, plus royalty, and the lessee or purchaser shall in every case pay to the State ten cents per acre per year of sales and rentals, and, in case of production, shall pay to the State the undivided one-sixteenth of the value of the oil and gas as reserved in Section 1 of this Act; it being expressly provided that all sales or leases of

the land made by the owner under this Section of the Act shall, as respects the rental to be paid, be made for and insure to the benefit of the State to the extent herein provided.

Sec. 3. If oil or gas should be discovered in paying quantities on land that is not included in this Act and within one thousand feet of land that is so included, the owner, lessee, sub-lessee or receiver or other agent in control of such land as included herein, shall in good faith begin the drilling of an offset well or wells upon such land as is included herein within one hundred days after the first discovery, and prosecute same with diligence to completion. Every offset well shall be drilled to the depth necessary for effective protection against undue drainage by other wells on other lands in that locality.

Section 4. If the persons aforesaid, who own or control land included in this Act should fail or refuse to begin such drilling of offset wells thereon within the time required, or fail or refuse to drill such well or wells diligently and in good faith or fail or refuse to drill such well or wells to the depth necessary for the purpose intended, or fail or refuse to use the means necessary to the development of any well or wells drilled thereon, thereupon the relinquishment herein granted shall ipso facto terminate and the rights acquired thereunder shall likewise terminate, and the oil and gas relinquished herein shall revert to and become the property of the State's General Revenue Fund; and when the Commissioner of the General Land Office is sufficiently informed of the facts which so terminate such rights, he shall indorse on the wrapper containing the papers relating to the sale of the land words indicating such termination and sign it officially.

Sec. 5. When the relinquishment granted herein and the rights acquired thereunder shall have been terminated as provided in the preceding section, the Commissioner shall take possession of the land and advertise the oil and gas therein for sale. All such sales shall be made at such times as the Commissioner may determine and in the same manner as is now provided for the sale of public free school land. The sale shall be made to the person, firm or

corporation that will pay the highest price therefor in addition to one-eighth of the oil and gas produced or the value of same, which shall be reserved to the public free school fund. The sum received in addition to the reserved one-eighth shall be divided equally between the General Revenue Fund of the State and the owner of the soil after deducting the expenses incident to the advertisement and sale. Purchasers at such sales shall begin the drilling of the necessary offset wells within sixty days after the acceptance of their offer and the failure to do so and the failure to comply with the provisions of this Act relating to the drilling of offset wells shall likewise operate as a termination of the rights acquired thereunder and the substances therein shall be subject to sale as herein provided.

Sec. 6. One-sixteenth of the value of the gross production of oil saved and one-sixteenth of the gross production of gas saved and sold off the premises shall be paid to the State and like amounts to the owner of the soil on or before the twentieth day of each month for the preceding month and it shall be accompanied by a sworn statement of the owner, manager, or other authorized agent, showing the gross amount of oil produced and sold off the premises, and the market value of same, together with a copy of all daily gauges of tanks, gas meters readings, if any, pipe line receipts, gas line receipts and other checks or memoranda of amount produced and put into the pipe lines, tanks or pools and gas lines or gas storage. The books and accounts, the receipts and discharges of all lines, tanks, pools and meters, and all contracts and other records pertaining to production, sale and marketing of oil or gas shall at all times be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General, the Governor, or the representative of either.

Sec. 7. All sums due the State under the operations of this Act shall be due and payable at Austin, Travis County, and shall be paid to the Commissioner of the General Land Office and he shall transmit all remittances in the form received to the State Treasurer, who shall credit the fund to which the land originally belonged with the amount paid upon production.

Sec. 8. The State shall have a first lien upon all oil and gas produced upon the land to secure the payment of all sums of money that may be due or become due under the provisions of this Act; and the owner of the soil shall have a second lien thereon to secure the payment of any sum that may be due him.

Sec. 9. If any person, firm or corporation, operating under this Act should fail or refuse to make the payment of any sum of money due within thirty days after it becomes due, or if such one or an authorized agent should knowingly make any false return or false report concerning production or drilling, or if such one should fail or refuse the proper authority access to the records pertaining to the operations, or if such one or an authorized agent should knowingly fail or refuse to furnish to the General Land Office a correct log of any well, the rights acquired under the permit or lease shall be subject to forfeiture by the Commissioner of the General Land Office, and when sufficiently informed of the facts which authorize a forfeiture, he shall forfeit same, and the oil and gas shall be subject to sale in the manner as provided in Section five of this Act; except the owner of the soil shall not thereby forfeit his interest in the oil and gas; provided such forfeiture may be set aside and all rights theretofore existing shall be reinstated at any time before the rights of another intervene upon satisfactory evidence of future compliance with the provisions of this Act.

Sec. 10. The provisions of this Act relinquishing to the owner of the soil fifteen-sixteenths of the oil and gas in or under such soil is made subject to the rights now existing under valid permits to prospect for oil and gas that have heretofore been issued or which may hereafter be issued upon valid application now on file for such permit; and the rights secured under such permits or applications for permits shall be terminated in the manner provided by the law under which such rights were secured or under the provisions of this Act, but when such rights shall be so terminated, such relinquishments shall be fully effective; provided a relinquishment to the State of a lease that may be producing oil or gas in paying quantities shall not

operate to relinquish or convey to the owner of the soil any interest whatever in the oil and gas that may be in the land included in such lease.

Sec. 11. If one has heretofore or should hereafter acquire any valid right to the oil and gas in any unsold public free school or asylum land under any other law, a subsequent purchaser of such land shall not acquire any rights to any of the oil and gas that may be therein, but when such rights shall be terminated in the manner provided in the law under which such rights were obtained, then the owner of the soil shall become the owner of that portion of the oil and gas herein relinquished and shall be thereafter subject to the provisions of this Act. A forfeiture of the purchase of any survey or tract for any cause shall operate as a forfeiture of the minerals therein to the State.

Sec. 12. Permits issued, or to be issued upon applications heretofore filed, or hereafter filed upon any land included in this Act may be assigned as a whole into one ownership or may be grouped or combined into one organization, upon such terms as the owners may agree, and in one or more groups or combinations not to exceed sixteen sections of 640 acres each, more or less, in one group, for the purpose of developing oil and gas. All such assignments and agreements shall be recorded in the county or counties in which the land or part thereof is situated and shall be filed in the General Land Office within sixty days after the execution of the same, accompanied by one dollar as a filing fee.

Sec. 13. The owner of a permit issued upon applications heretofore or hereafter filed shall have eighteen months from the date thereof in which to begin the drilling of a well for oil and gas on some portion of the land included therein. The owner or owners of a combination of permits, held by assignment or agreement shall have a like period of eighteen months from the average date of the permits included therein in which to begin the drilling of a well for oil and gas on some portion of the land included therein, and the drilling on one permit shall be sufficient for the protection against forfeiture of all the permits included in such combination. Owners of permits included herein shall have

three years after the date of the permit and the same time after the average date of the permits placed in a combination of permits in which to complete the development of oil and gas thereon, and if oil and gas should not be found in paying quantities and a lease applied for within said time, all rights in such permit or combination of permits shall terminate, and the oil and gas in such land shall become subject to the provisions of this Act relating to the relinquishment of oil and gas to the owner of the soil.

Sec. 14. If oil or gas should be produced in paying quantities upon any land included in this Act, the owner of the permit shall report the development to the Commissioner of the General Land Office within thirty days thereafter and apply for a lease upon such whole surveys or tracts in each permit as the owner or owners of a combination of permits may desire to be leased and accompany the application with a log of the well or wells, and the correctness of the log shall be shown by the owner, manager or driller, and thereupon a lease shall be issued without the payment of any additional sum of money and for a period not to exceed ten years, subject to renewal or renewals.

Sec. 15. The owner of a permit or combination of permits that desire to avail themselves of the terms of this Act shall pay to the State ten cents per acre, annually in advance, for the second and third years and shall likewise pay to the owner of the soil ten cents per acre for the first year of such permit before availing himself of the privileges of this Act, and a like sum thereafter annually in advance. A failure to make either or said payments shall subject the permit or permits to forfeiture by the Commissioner of the General Land Office and when sufficiently informed of the facts which subjects the permit or permits to forfeiture the said Commissioner shall forfeit the permit or permits by an endorsement of forfeiture upon the wrapper containing the papers relating to the permit or permits and sign it officially. The payment of the ten cents per acre to the owner of the soil may be made in person or by payment to the County Clerk of the county in which the land is situated, and the said clerk shall deposit such payment in some bank at the county

seat to the credit of the record owner of such land. If the owner of the soil should refuse to accept such payment, the said clerk shall withdraw such deposit and return same to the owner of the permit or permits. The payment, or the tender of payment, shall be evidenced by the receipt of the owner or part owner or County Clerk filed among the papers in the General Land Office relating to such permit or permits.

Sec. 16. The owner of a permit or combination of permits may relinquish to the State a permit or combination of permits or any whole survey or whole tract included in a permit at any time before obtaining a lease therefore by having such relinquishment recorded in the county or counties in which the land or a part thereof is situated and file it in the General Land Office within sixty days after its execution, accompanied by one dollar as a filing fee.

Sec. 17. The provisions of this Act, so far as they relate to a combination of permits and extensions of time for beginning development and time for development, shall apply to permits heretofore issued and those hereafter issued upon University land.

Sec. 18. The payment of the ten cents per acre and the obligation to pay the owner of the soil one-sixteenth of the production and the payment of same when produced and the acceptance of same by the owner, shall be in lieu of all damages to the soil.

Sec. 19. All the terms, conditions, limitations and obligations provided in the law under which permits included herein have been or may be issued and rights secured therein shall continue and remain in full force and effect except as changed or modified by this Act.

Sec. 20. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 21. The importance of the legislation proposed and the short term of this Special Session creates an emergency and an imperative public necessity exists that the Constitutional rule requiring bills to be read on three separate days in each House should be suspended and that this bill be placed upon third reading and final passage and that it take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, July 21, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: Your Committee on Enrolled
Bill have carefully examined and
compared Senate Bill No. 105, copy
of which is hereto attached, and find
it correctly enrolled, and have this
day at 11:45 o'clock, a. m., presented
the same to the Governor for his
approval.

SMITH, Chairman.

By Suiter. S. B. No. 105.

ABILL
To be Entitled

An Act to amend Articles 637a, 637b,
and 637c of Chapter 203, Acts of
the Regular Session of the Thirty-
fifth Legislature, which Articles
were by said Chapter added to
Chapter 2, Title 18, Revised Civil
Statutes, 1911, relating to the is-
suanee of county bonds by any
county for the purpose of purchas-
ing or taking over improved roads
already constructed by any road
district or districts therein and
further constructing, maintaining
and operating macadamized, grav-
eled or paved roads and turnpikes
throughout said county, requiring
the commissioners court to set
apart from such county issue bonds
sufficient in amount to exchange
or offset and retire outstanding
bonds of such road districts and
providing for the levy and collec-
tion of taxes for said county bonds,
dispensing with taxes for said dis-
trict bonds, authorizing necessary
adjustments of sinking funds and
permitting issuance of county
bonds in excess of amounts needed
to retire district bonds and expen-
diture of funds thus realized, the
said Act providing for the issuance
of county bonds by any county
where same have been authorized
by a vote of a two-thirds majority
of the qualified voters for the pur-
pose of constructing district roads
and further constructing roads
throughout the county where dis-
trict bonds have been voted but
have not been sold and the pro-
ceeds not expended by such dis-
trict or districts in constructing
district roads therein and provid-
ing for the cancellation and de-
struction of any unsold district
bonds; authorizing the exchange

or deposit of county bonds for any
district bonds that have been sold;
providing for the issuance of
county bonds for the purchase of
district roads and the further con-
struction of roads throughout the
county where any road district or
districts have issued bonds and the
proceeds derived from the sale
thereof have been applied to the
construction of roads within and
for such districts, authorizing the
exchange or deposit of county
bonds for any such district bonds
thus substituted and providing for
the cancellation and destruction of
any such district bonds so retired;
providing that such county bonds
so issued to offset or retire any
such bonds shall be similar to said
district bonds, except they shall be
county obligations instead of dis-
trict obligations; providing that
county bonds issued in excess of
the amount required to offset or
retire such district bonds shall be
issued and sold in the manner now
provided by law; and to add to said
Chapter, Articles 637g and 637h
and provide for the issuance of
county bonds already authorized
for the purchase of district roads
in any road district or districts
where at the time the county elec-
tion was held the road district or
districts had not sold the road dis-
trict bonds authorized therein, or,
if sold and no roads have been
constructed in such road district or
districts; authorizing a county or
any political subdivision or defined
districts thereof to hold elections
for the purpose of the cancellation
and revocation of any unsold bonds
and which election shall be ordered
and held in the same form and
manner provided for in the voting
of such bonds; providing for the
destruction and cancellation of
such unsold bonds so retired by
reason of such elections and ad-
justment of existing tax levies and
refund of any taxes levied and col-
lected in anticipation of the sale
of such bonds; providing that noth-
ings in this Act shall be con-
strued as invalidating any bond
elections previously ordered or
held in any county or political sub-
division or defined district thereof
for the purpose of constructing
roads therein; and declaring an
emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 637a, 637b and 637c, of Section 2, Chapter 203, Acts of the Regular Session of the Thirty-fifth Legislature, be and the same are hereby amended so as to hereafter read respectively as follows:

Article 637a. Whenever in any political subdivision or defined districts in any county in this State bonds have been issued under the authority of Chapter 2, Title 18, Revised Civil Statutes of Texas of 1911, or any amendments thereto, or under authority of any special county road law, and thereafter bonds are voted by the entire county for the purposes hereinafter authorized, such political subdivisions or defined districts first issuing bonds may be fully and fairly compensated by the county in an amount equal in value to the amount of district bonds issued by such districts, and which shall be done in the form and manner hereinafter prescribed:

(1) It shall be the duty of the commissioners court, upon the presentation of a petition signed by two hundred and fifty resident property taxpaying voters of the county, whether residing in such road district or districts, or not, to order an election under the provisions of Chapter 2, Title 18, Revised Civil Statutes of Texas, 1911, to determine whether or not the bonds of such county shall be issued for road construction purposes as authorized by subdivision 3 and 4 of this article.

(2) Such county bonds to be issued in such an amount as may be stated in the petition and order of the commissioners court, but within the limitations of the constitutional and statutory provisions; and at such election there shall also be submitted to the resident property taxpaying voters of the county the question as to whether or not a tax shall be levied upon the property of said county subject to taxation for the purpose of paying interest on said bonds and to provide a sinking fund for the redemption thereof.

(3) Where such road district or districts have by the requisite vote of the qualified property taxpaying voters thereof authorized the issuance of bonds, and the same have not been issued and sold, or, if sold and the proceeds have not been expended, at

the time the election is to be ordered for the entire county, then the proposed county bonds shall be issued for the following purpose: "The issuance of county bonds for the construction of district roads and the further construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof, throughout such county." If the proposition to issue such county bonds for said purpose shall receive the necessary favorable vote as is now provided by law, and said bonds shall have been approved and issued, then so much of the bonds so issued by the county as may be necessary to fairly and fully compensate such road district or districts shall be set aside by the commissioners court for that purpose; provided, that in the event such district bonds have not been issued and sold, then so much of the bonds so issued by the county as may be necessary to fairly and fully compensate such road district or districts shall be set aside for that purpose, and the same shall be sold and the proceeds applied to the construction, maintenance and operation of the roads within and for such road district or districts as contemplated by the election or elections theretofore held within and for such road district or districts, and such unsold district bonds shall thereupon become totally void, and it shall be the duty of the commissioners court of such county to immediately cancel and destroy such unsold district bonds; provided, however, that in the event such district bonds have been sold, then an exchange of a like amount of said county bonds may be made with the holder or holders of said district bonds as provided in subdivision 1 of Article 637b of this chapter, but if the commissioners court should find that such exchange cannot be made, then so much of the county bonds as may be necessary shall be transferred and placed to the credit of the interest and sinking fund account of such road district or districts in conformity with the procedure prescribed by subdivision 2 of Article 637b hereof.

(4) Where such road district or districts have issued bonds for the construction of public roads therein and the proceeds derived from the sale of the bonds have been applied to the construction of roads within

and for such districts, then such district roads may be merged into and become a part of the general county system of public roads and such road district or districts shall be fully and fairly compensated by the county in an amount equal in value to the amount of bonds outstanding against such road district or districts at the time the bonds are issued by the county, and the proposed county bonds shall be issued for the following purpose: "The issuance of county bonds for the purchase of district roads and the further construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof, throughout such county." In the event the proposition to issue such county bonds shall receive the necessary favorable vote as is now provided by law, and said bonds shall have been approved and issued, then so much of the bonds so issued by the county as may be necessary for that purpose shall be set aside and exchanged for a like amount of outstanding district bonds, or the same may be transferred and placed to the credit of such road district or districts for the purpose of paying and retiring such district bonds as the same may mature.

Article 637b. If the proposition to issue such county bonds shall receive the necessary favorable vote as is now provided by law, and said bonds shall have been approved and issued, the taxes theretofore levied and collected in any road district or districts shall from that date be dispensed with as hereinafter provided, and the bonds so set apart by the commissioners court shall be used exclusively for the purpose of constructing the roads in any such subdivisions or districts or for the purpose of purchasing or taking over the improved roads in any such subdivisions or districts, as the case may be. The exchange of such county bonds for such outstanding district bonds shall be made in one of the following methods, to-wit:

(1) An exchange of said bonds may be made with the holder or holders of any outstanding district bonds. The agreement for such exchange shall be evidenced by order of the commissioners court authorizing the same and by the written consent of the holder or holders of such district bonds, properly signed and acknowledged, as provided for the

acknowledgement of written instruments by the laws of this State, which said order of the commissioners court written agreement properly executed by the holder or holders of such district bonds, together with the county bonds to be given in exchange, shall be presented to and approved by the Attorney General of the State and shall bear his certificate of approval before the exchange is finally consummated. When such exchange of county bonds for district bonds shall have been consummated, it shall be the duty of the commissioners court to cancel and destroy said district bonds, and thereafter no tax shall ever be levied or collected therefor under the original election in such subdivisions or district and the sinking funds then on hand to the credit of any such subdivisions or districts shall be passed to the sinking fund account of the county.

(2) In the event the exchange of the county bonds for the outstanding district bonds cannot be made as hereinabove provided for, it shall then be the duty of the commissioners court, at as early a date as practicable, to deposit with the county treasurer for the credit of the interest and sinking fund account of such road district or districts an amount of county bonds equal in value to the amount of outstanding district bonds. The order of the commissioners court authorizing the deposit of county bonds for the credit of the interest and sinking fund account of such road district or districts, together with the county bonds so authorized to be deposited, shall be presented to and approved by the Attorney General of the State and shall bear his certificate of approval before such deposit of county bonds shall be made and credit passed to such road district or districts. After such county bonds shall have been deposited for the credit of the interest and sinking fund accounts of any such road district or districts the sinking fund then on hand to the credit of such road district or districts shall be passed to the credit of the sinking fund account of the county and the commissioners court shall not longer levy and collect the taxes provided for under the original election for said bonds in such road district or districts, but in lieu thereof the said court shall, from the taxes levied for the purpose of pro-

viding the necessary interest on the county bonds hereinabove provided for, pay annually the interest on said county bonds deposited for the credit of such road district or districts, detaching the coupon therefor, and said payment of interest shall be passed to the credit of the interest account of such road district or districts as the owner or owners of said county bonds, and the funds so realized by said road district or districts shall be used by the commissioners court for the purpose of paying the interest on all such outstanding district bonds. It shall also be the duty of the commissioners court to set aside annually, from the taxes levied to provide the necessary sinking fund for such county bonds, the necessary sinking fund for the retirement of said county bonds and upon the maturity of said county bonds the commissioners court shall pay said bonds in full and said payments shall be passed to the credit of the sinking fund of such road district or districts and the funds so realized by said road district or district shall be used by the commissioners court to pay in full all outstanding district bonds.

Article 637c. The county bonds issued for the purpose contemplated in subdivisions three and four of Article 637a shall be issued in similar denominations, bearing the same rate of interest, having the same date or dates or maturity and with similar options of payment as the outstanding district bonds, it being the intent hereof that said county bonds shall in every respect be similar to said district bonds, except they shall be county obligations instead of district obligations, and shall be dated on a date after the date of the election at which they were authorized; and the county bonds issued in excess of the amount required to exchange, offset and retire said outstanding district bonds be issued and sold in the manner now provided by law and may mature serially or otherwise at the discretion of the commissioners court and may run for a term not to exceed forty years and such bonds shall bear not more than 5 1-2 per cent interest per annum, and the proceeds thereof shall be credited to the available road fund of the county and shall be expended by the commissioners court in constructing, maintaining and operating

macadamized, graveled or paved roads and turnpikes or in aid thereof throughout such county. The issuance and sale of the bonds herein authorized and the levy and collection of taxes therefor shall be conducted as now required by law, except as herein otherwise provided; and provided further that the necessary expense incident to the issuance of said bonds may be paid out of the proceeds from the sale thereof.

Section 2. That there shall be added to said Chapter of the Revised Civil Statutes of 1911 two new articles to be designated as Articles 637g and 637h, and which shall read respectively as follows:

Article 637g. Where any county in this State has already voted bonds for the purpose of purchasing or taking over district roads in any road district or districts within such county, and it shall appear that at the time such county election was held any one or more of such road district or districts has not issued and sold the road district bonds theretofore authorized by a vote of the qualified voters therein, then the commissioners court of such county may issue the county bonds already authorized in the election held throughout the county for the purpose of purchasing or taking over such district roads, and such county bonds so issued shall as to amount, rate of interest, date or dates of maturity, and options of payment conform in every respect to such district bonds as described in the order of the commissioners court ordering the election at which such district bonds were authorized. If such district bonds have been sold but no roads have been constructed within and for such road district or districts, then such county bonds shall be issued for an amount equal in face value to the amount of said district bonds and the issuance thereof shall conform in every respect to the provisions and requirements of either subdivision 1 or subdivision 2 of Article 637b hereof. The county, for and on behalf of such road district or districts, shall then proceed with the construction of such district roads, and the district roads so constructed shall be merged into and become a part of the general county system of public roads; provided, that the provisions of this Article shall apply only to such county road bond elections that have

been ordered and held prior to the taking effect of this Act.

Article 637h. In the event any bonds heretofore voted or that hereafter may be voted by any county or political subdivisions or defined district of any county, under the provisions of Chapter 2 Title 18, Revised Civil Statutes of Texas of 1911, and amendments thereto, or under authority of any special county road law, shall have remained unsold and the commissioners court shall find that the bonds cannot be legally sold in conformity with the law, then it may, or, upon petition of a two-thirds majority of the qualified property taxpaying voters of such county or political subdivision or defined district thereof, as shown by the records in the office of the County Tax Collector, shall, order an election for the purpose of submitting the question of the cancellation and revocation of said bonds to a vote of the qualified property taxpaying voters of such county or political subdivision or defined district thereof and the said election shall be ordered, held and conducted in the same form and manner as that at which said bonds may have been originally voted and authorized, and in the event the result of such election for the cancellation and revocation of such unsold bonds shall show that two-thirds of the qualified resident property taxpaying voters of such county or political subdivision or defined district of such county voting at such election have voted for the cancellation and revocation of such unsold bonds, the result of such election shall be duly declared by the commissioners court of the county in which such election shall have been held, the returns of such election and the result thereof duly entered of record in the minutes of the commissioners court of such county and immediately thereupon such unsold bonds shall become totally null and void and it shall thereupon become the duty of the commissioners court to cancel and destroy such unsold bonds by burning and shall forward a certified copy of their minutes showing such destruction and cancellation to the Comptroller of Public Accounts, who shall thereupon cancel the registration of said bonds, as shown on the records of his office. It shall further be the duty of the commissioners court of such county im-

mediately to readjust all existing tax levies to properly meet the conditions resulting from the cancellation and revocation of such unsold bonds and relieve the taxpayers of such county or political subdivision or defined districts of such county of any further or existing tax levy previously made for the purpose of paying the interest on said bonds and providing a sinking fund for the redemption thereof; provided that where any taxes have been levied and collected in the name of the county or political subdivision or defined district thereof in anticipation of the sale of such bonds, such taxes so far as unexpended shall in the event of the cancellation and revocation of such unsold bonds and on order of the commissioners court duly entered of record be returned to the taxpayers ratably after deducting the compensation of the tax assessor, tax collector and county treasurer in connection therewith, and any other claims properly chargeable against such taxes and proper receipts for all sums so refunded to be taken and filed by the county treasurer. Provided further that in the event a two-thirds majority of such qualified resident property taxpaying voters voting at said election be not in favor of the proposition for the cancellation and revocation of such unsold bonds, the result of such election shall nevertheless be declared and entered of record in the same manner as though the result there had shown a two-thirds majority for the cancellation and revocation of such bonds.

Section 3. Nothing in this Act shall be construed as invalidating any bond elections previously ordered or held within and for any county in this State or any political subdivision or defined district of any county under the provisions of Chapter 2, Title 18, Revised Civil Statutes of Texas of 1911, and amendments thereto, or under authority of any special county road law.

Section 4. The inadequacy of the present law in relation to the subject matter of this Act creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, July 21, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills have carefully examined
and compared Senate Bill No. 119,
copy of which is hereto attached, and
find it correctly enrolled, and have
this day at 11:40 o'clock a. m. pre-
sented the same to the Governor for
his approval.

SMITH, Chairman.

By Buchanan of S. B. No. 119.
of Bell et al.,

A BILL
To Be Entitled

An Act to amend Article 3083 of the
Revised Civil Statutes of the State
of Texas as amended by Chapter
13, General Laws of the Thirty-
sixth Legislature at its Regular
Session, so as to prohibit the is-
suanace of certificates of party
nominations of ineligible candi-
dates, and prohibiting the placing
of the name of any ineligible candi-
date upon the ballot for any gen-
eral or special election; and de-
claring an emergency.

Be it enacted by the Legislature of
the State of Texas:

Section 1. That Section 3083 of
the Revised Civil Statutes of the
State of Texas, as amended by Chap-
ter 13 of the General Laws of the
Regular Session of the Thirty-sixth
Legislature, be amended so as to
hereafter read as follows:

Article 3083. There shall not be
issued by the Secretary of State, or
by any county judge of the State, or
by any other authority authorized to
issue such certificates, any certifi-
cates of election or appointment to
any person elected or appointed to
any office in this State, who is not
eligible to hold such office under the
Constitution of this State and under
the above Article of the statutes of
this State; and the name of an in-
eligible person, under the Constitu-
tion and laws of this State, shall
not be certified by any party, com-
mittee or any authority authorized
to have the names of candidates
placed upon the primary ballots at
any primary election in this State;
and the name of any ineligible candi-
date under the constitution and laws
of this State shall not be placed

upon the ballot of any general or
special election by any authority
whose duty it is to place names of
candidates upon official ballots.

Sec. 2. The importance of this
legislation and the fact that the Leg-
islature is crowded with business,
creates an emergency and an impera-
tive public necessity which requires
that the Constitutional rule, provid-
ing that bills shall be read on three
several days, be suspended, and said
rule is hereby suspended and that
this Act take effect and be in force
from and after its passage, and it is
so enacted.

Committee Room,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills have carefully examined
and compared Senate Bill No. 134,
copy of which is hereto attached, and
find it correctly enrolled, and have
this day at 11:40 o'clock a. m., pre-
sented the same to the Governor for
this approval.

SMITH, Chairman.

By Suiter, S. B. No. 134.
Page.

A BILL
To Be Entitled

An Act to amend Section 2, Chapter
141, General Laws of the State of
Texas passed by the Thirty-sixth
Legislature at its Regular Session,
and approved March 24th, 1919,
which Chapter is: An Act amend-
ing Sections 12, 13, and 16 of
Chapter 10 of the Acts of the
Thirty-first Legislature, passed at
its Fourth Called Session; provid-
ing that the Prison Commission
shall purchase machinery, tools
and supplies necessary to meet
the needs of the penitentiary,
and may establish such fac-
tories as in their judgment
may be practicable, and pro-
viding that the Prison Commis-
sion shall not have power to pur-
chase or sell any real estate, except
as they are directed to do so by
the Legislature; provided, that the
Prison Commission with the ap-
proval of the Governor may pur-
chase real estate contracted for
prior to the passage of this Act;
providing how land purchased for
the penitentiary is to be paid for
and authorizing the Prison Com-

mission to lease real estate and describing certain duties of the Attorney General in connection with the purchase and sale of land; the purpose of this amendment being to add two new Sections immediately following Section 2 of said Act of the Legislature and to be known as Sections 2a and 2b, which provide, in substance, the approval of the Legislature of the purchase by the Prison Commission of certain lands under option authorizing it so to do contained in two certain lease contracts from Bassett Blakeley to the Prison Commission, first of date, February 1, 1916, and the second date, July 9, 1918, and to enforce, if necessary, by appropriate action or actions the said options and the rights of the Prison Commission thereunder by such action or actions as they may be advised by the Attorney General; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 2 of the Act approved March 24, 1919, relating to the powers and duties of the Prison Commission with reference to purchase of tools, supplies, real estate, etc., being Chapter 141, General Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session, be and the same is hereby amended by adding immediately following Section 2 thereof two new sections to be known as Section 2a and 2b, which shall read as follows, to-wit:

Section 2. That Section 13, of Chapter 10, of the Acts of the Thirty-first Legislature passed at its Fourth Called Session, be amended so as to hereafter read as follows:

Section 13. The Prison Commission shall not purchase any land for the prison systems of the State of Texas unless and until the land to be so purchased and the maximum price to be paid therefor shall have been submitted to and received the approval of the Legislature of this State, and when any purchase of land is so approved, the said Prison Commission may pay such sum in cash as may be agreed upon between the vendor and the Prison Commission and for the unpaid purchase money to become due upon said land, they shall execute to the vendor notes payable in such sum and in such time as may

be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon; and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land the net revenue so pledged and that no personal liability against the Prison Commission or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally, as well as the installments paid upon deferred payments, may be paid out of any funds belonging to the said Prison System. The title to all lands purchased by the Prison Commission under the terms of this Act shall be examined, passed upon and approved as good and sufficient by the Attorney General, before such deed and conveyance shall be accepted by the Prison Commission, and all conveyances, notes and trust deeds, and other instruments executed under the provisions of this Act, shall be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall vest in the Prison Commission, and their successors in office, as trustees for the State.

Section 2a: The right and desire of the Prison Commission to purchase under and in accordance with, and, if necessary, by appropriate action or actions to specifically enforce the options contained in two certain leases from Bassett Blakeley to the Prison Commission hereinafter referred to, having been submitted to, is hereby approved by the Legislature, and the said Prison Commission is hereby authorized and directed to exercise said options and to purchase the lands thereunder, and, if necessary, by such appropriate action or actions as they may be advised by the Attorney General, to enforce their rights under said options. Said lease contracts containing said options which relate to and embrace certain lands commonly known as Blue Ridge Farms Numbers One and Two therein described in

Fort Bend and Harris Counties, Texas, are as follows:

The first of said contracts is dated first day of February, A. D. 1916, is signed "The Prison Commission of Texas by S. J. Bass, Chairman," "and Bassett Blakeley, Lessor," attested by "Oscar Wolfe, Secretary," and approved by "Jas. E. Ferguson, Governor of Texas." Said contract is likewise acknowledged by Bassett Blakeley before J. W. Lewis, Notary Public, Harris County, was filed for record with the County Clerk of Fort Bend County, February 26th, 1916, and recorded in the deed records of that county, volume 71, pages 370 et seq.

The second of said contracts was executed on the 9th day of July, A. D. 1918, is signed by "Bassett Blakeley, Lessor," and by "Board of Prison Commissioners, R. L. Winfrey, W. R. Dulaney, W. G. Pryor", and was acknowledged by Bassett Blakeley on the 9th dy of July, A. D. 1918, before J. H. Farbar, Notary Public in and for Harris County.

Section 2b. The fact that the speedy exercise or enforcement of said options would prove highly beneficial to the Prison Commission and the State of Texas, and the fact that in the absence of legislative authority to exercise and enforce said options the Prison Commission cannot avail itself thereof, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule be and the same is hereby suspended; and that this Act shall take effect and be in force from and after its passage; and it is so enacted.

Committee Room,

Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bill have carefully examined and compared Senate Bill No. 18, copy of which is hereto attached, and find it correctly enrolled, and have this day at 3:20 o'clock, p. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Dudley, Buchanan S. B. No. 18. of Scurry.

A BILL
To be Entitled

An Act to amend Sections 1, 7, 8, 9, 10, 13, 15, 17, 19, 23, 33, 53, 56, 57, 60, 65, 69, 70, 80 and 108 of Chapter 87 of the Acts of the Thirty-fifth Legislature, Regular Session, and Section 15 as amended by Chapter 53 Acts Thirty-fifth Legislature, Fourth Called Session; providing for the organization and operation of water improvements districts and adding to said Act certain new Sections numbered 118a, 119, 120, 121. Giving the commissioners court authority to create water improvement districts, and providing the method of creation and operation of such districts under the authority granted by Section 52 of Article 3 of the Constitution of Texas, or under Section 59 of Article 16 of the Constitution. Providing the requisite of petition for organization for notice of hearing thereon and ordering of elections to establish such district and declaring the result thereof. Providing for the government of such districts, the election of directors and appointment of tax assessors and collectors, the method of issuing bonds by such district, and issuing notes and other obligations, the levying, assessing and collecting of taxes by such districts. Providing the method of organizing districts embracing territory in two or more counties, providing for the construction of improvements by joint action of two or more districts, providing for the consolidation of districts, providing for districts under the authority granted by Section 59 of Article 16 of the Constitution, to furnish water for domestic, power and commercial purposes, providing additional methods of raising funds by charges for the use of water and by taxation, providing generally for the organization, operation and conduct of water improvement districts, providing the method of excluding lands from such district, providing for compensation for officers of such districts, repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 1, 7, 8, 9, 10, 13, 17, 19, 23, 33, 53, 56, 60, 69, 70, 80 and 108 of Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session, and Section 15, thereof, as amended by Chapter 53, Acts Thirty-fifth Legislature Fourth Called Session, providing for the organization and operation of water improvement districts be and the same are hereby so amended that hereafter they shall read as follows:

Section 1. The county commissioners court of any county in this State, at any regular or called session thereof, may establish one or more water improvement districts in their respective counties, or parts of such districts therein in the manner hereinafter provided. Such districts may or may not include within their boundaries, villages, towns, cities and municipal corporations, or any part thereof, but no land shall be at the same time included within the boundaries of more than one water improvement district created under this Act. Such districts when so established may make improvements or may purchase improvements already existing, or may purchase improvements and make additions thereto, and may issue bonds in payment therefor, as herein provided. Such districts being authorized to provide for the irrigation of the land included therein, and when operating under Section 59 of Article 16 of the Constitution, furnish water for domestic, power and commercial purposes. Such districts may be formed for corporation with the United States under the Federal Reclamation Laws for the purpose of the construction of irrigation works, including drainage works, necessary to maintain the irrigability of the land for the purchase, extension operation or maintenance of constructed works or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands.

The petition herein provided for to be presented to the county commissioners court shall be signed by a majority in number of the holders of title to the lands situated within the proposed district and representing a majority in value of the lands therein as indicated by the county tax rolls; provided, however, that

such petition shall be sufficient if same is signed by fifty holders of title or evidence of title to the land situated within the proposed district, in the event that the number of such land owners should be greater than fifty in number. Upon presentation to the commissioners court either at a regular or special session, of a petition as herein provided, praying for the establishment of a water improvement district, setting forth the boundaries thereof and designating a name for the district, the commissioners court shall set the same for hearing at some regular or special session to be held not less than fifteen days nor more than forty days from the presentation of said petition. The clerk of said court shall issue a notice of the said hearing, giving the date and place of hearing, and a copy of the order of the court setting same for hearing. Said notice shall be directed to the sheriff of the county requiring him to serve the notice in the manner provided by law. Said notice shall be sufficient if it contains the matter herein provided, and all persons interested shall take notice of the boundaries of said district as set out in the petition and may inspect same by examining the same in the office of the clerk of said court.

The sheriff shall execute said notice by posting true copies thereof in three public places within said proposed district and one at the courthouse door of the county, or on the bulletin board used for public notices at the county courthouse. Said notices shall be posted for ten full days prior to the date of said hearing. Said notice shall also be published in a newspaper of general circulation in the county, if a newspaper is published therein, one time and at least five days prior to such hearing. The sheriff shall make due return of a true copy of said notice, showing the time, when and the places where such notice was posted and published. The said return to be delivered to the clerk of the commissioners court, and to be recorded in the minutes of said court.

The duties herein imposed upon the clerk and sheriff may be performed by them acting by themselves or their deputies as provided by law for other similar duties. When conditions may make desirable, the petition herein provided for may be

signed and presented to the court in several copies. When such petition is so presented in more than one copy the clerk shall file all such copies and shall make a true copy thereof, including a list of all those who have signed the several copies, and certify thereto and file same. Such certified copy shall be considered the petition in all other proceedings provided for by this Act.

Water improvement district to be organized as provided herein are defined districts under the authority granted by Section 52 of Article 3 of the Constitution of the State.

Section 7. The manner of conducting elections herein provided for shall be governed by the general election laws of the State, except as herein otherwise provided. At such elections none but resident property tax payers who are qualified voters under the laws of the State shall be entitled to vote. The county commissioners court shall at the time of ordering said first election by an order entered of record, create said proposed district, or the part thereof within said county, into one or more election precincts and shall name a polling place in each voting precinct, and shall appoint two judges and two clerks for each polling place, one of the judges to be designated as presiding judge. If said officers so selected fail to serve, his place shall be filled in the manner provided by the general election laws. The court shall order printed one and a half times as many ballots for said election as there are estimated to be qualified voters within such district. Said ballots for said first election shall have printed thereon substantially the following. "For Water Improvement District," and "Against Water Improvement District," and said ballot shall contain five blank lines on which to write names of the persons voted for, for the office of director, with a heading "For Directors, five to be elected." No other matter shall be placed on said ballot except the heading "Official Ballot."

The election precincts herein provided to be created shall be and continue the election precincts of said district until changed by an order of the board of directors.

Section 8. It shall be the duty of the tax collector of the county before a water improvement district is formed, and of the tax collector of

the district after its organization, to make a certified list of the property tax payers of said district, or part thereof in the county, and to furnish same to the officers of the election of each polling place, and before any persons is entitled to vote at any election under this Act his name must appear in said certified list of property tax payers; provided, however, that a qualified voter who is a property tax payer in said district or proposed district, and whose name does not appear upon said list, shall be entitled to vote if he shall first take the following oath, to be administered by an election judge and which the judges of the election are authorized to administer: "I do solemnly swear (or affirm) that I am a qualified voter under the laws of the State of Texas, and that I am a resident property tax payer of . . . (inserting the name of the district) and I did not acquire such property prior to this election for the purpose of voting, but I am a bona fide property taxpayer."

Section 9. The officers of the election shall make returns for each polling place in the same manner as provided by law for general elections, and the county commissioners court shall canvass said returns in the manner provided by law. If a majority of said votes be cast in favor of the organization of said district, then the court shall declare the result of said election in favor of the establishment of said district and shall enter same in the minutes of said court. The court shall also canvass the votes for directors and declare the election of the five persons receiving the highest number of votes for said office; provided, that should it be found that two or more persons had received the same number of votes so as to make it a tie for the office between them, then the said court shall select one of said persons to fill such position. In the event said district is composed of territory lying in two or more counties the said returns shall be canvassed and the result declared as hereinafter provided.

Section 10. If the result of said election be in favor of the establishment of the district, the county commissioners court shall make and enter in the minutes of said court an order setting forth facts substan-

tially as follows: "In the matter of the petition of, and others, praying for the establishment of a water improvement district, and in said petition described, and named. . . be it known that an election was called for that purpose in said district, and held on the . . . day of A. D. 19. . . , and a majority of the resident tax payers voting thereat voted in favor of the creation of said district. Now, therefore, it is declared that said district has been legally established under the name of with the following metes and bounds: (Here copy description of boundaries.)"

When a district is created including territory in two or more counties the officer charged with the duty of declaring result of said election shall use substantially the same form.

All districts lying wholly in one county shall include in its name the name of the county in which it is located as a part of its name, and shall be numbered consecutively as created and established. A district lying partly in two or more counties may include the names of said counties in its name or may adopt any appropriate name.

The numbers of districts created hereafter shall not conflict with the numbers of irrigation or water improvement districts heretofore created, but shall be consecutively continued, and when a district lying in two or more counties has adopted a number as part of its name such number shall not be the same as that of any other district in either of said counties, and the numbers of districts created in either of said counties shall not conflict therewith.

Section 13. The directors of such district shall organize by electing one of their number as president and one as secretary. The directors may elect a president pro tem, and a secretary pro tem, to act in the absence or inability of the president or secretary. Any three directors shall constitute a quorum at any meeting, and a concurrence of three shall be sufficient in all matters pertaining to the business of the district except the letting of construction contracts and the drawing of warrants on the depository, which shall require the concurrence of four of such directors; provided, however, warrants to pay the current expenses, salaries, and labor and material accounts, may be

drawn by an officer or employe, designated by standing order of the directors, when such accounts have been contracted and ordered paid by the directors.

Section 15. The office of tax assessor and collector is one office to be filled by one person. The tax assessor and collector shall be appointed by the directors, or if the directors so order, may be elected by an election held for that purpose. He shall qualify by making and entering into a good and sufficient bond, signed also by at least two good and sufficient sureties, to be approved by the board of directors, in the sum of five thousand dollars (\$5,000.00), conditioned for the faithful performance of his duties as tax assessor and collector and for the paying over to the depository all funds or sums of money or other thing of value, coming into his hands as such collector. The directors may require additional bonds or a bond in a larger amount or additional security at any time that same may be advisable in their judgment. The assessor and collector shall be a resident of the district, or any town with the general boundaries of the district, and shall be a qualified voter in the county of his residence. The compensation to be paid to the tax assessor and collector, or deputy tax assessor and collector shall be fixed by the board of directors, but shall not exceed \$3,000.00 per year. One or more deputies may be appointed by the board of directors to assist the tax assessor and collector for such time not to exceed one year as may be ordered by the board. Such deputies shall perform such duties as the board may order and may be discharged at any time by the board. The amount of bond given by such deputies shall be determined at the time of their appointment or as occasions may require. The board of directors may require the tax assessor and collector to perform other duties than those herein fixed and may fix his additional compensation if any therefor. In case any district organized hereunder is appointed fiscal agent of the United States, or by the United States is authorized to make collections of money for and on behalf of the United States in connection with any Federal reclamation project, such assessor and collector and each director, shall execute a further addi-

tional bond in such sum as the Secretary of the Interior may require, conditioned for the faithful discharge of the duties of his respective office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under such appointment or authorization; such additional bonds to be approved, recorded, and filed as herein provided for other official bonds, and any such additional bonds may be sued on by the United States or by any person injured by the failure of such officer or the district, to fully, promptly and completely perform their respective duties.

Section 17. The owner or owners of the fee of any land constituting a portion of any district may file with the board of directors of such district a petition praying that certain lands owned by them be excluded from and taken out of said district. The petition shall describe the lands which the petitioners desire to have excluded by metes and bounds and such petition must be acknowledged in the same manner and form as is required by law for the conveyance of real estate. Such petition may be filed at any time prior to the issuance of bonds by such district.

Section 19. The board of directors, at any time and place designated in such notice, or at such time and place as such hearing may from time to time be adjourned to, shall proceed to hear the petition and all objections thereto, and shall determine whether or not said lands, or any portion thereof, shall remain as a portion of said district or be excluded therefrom; and if upon such hearing the directors shall determine that the land desired to be withdrawn or any portion thereof is not susceptible to irrigation by gravity from the system to be provided, or for other reasons should be allowed to be withdrawn, then such lands shall be excluded by granting such petition in whole or in part, and such excluded lands and the owner thereof thereby waive all right to be served with water from such irrigation system or by said district.

Section 23. All districts established under the provisions of this Act may sue and be sued in any and all courts of this State in the name of such district, and all courts of this State shall take judicial knowledge and notice of the establishment of

such district and the boundaries thereof, and such district shall contract and be contracted within the name of such districts.

Section 33. The members of the board of equalization and the secretary while acting as secretary of said board, shall receive such compensation for their services as may be fixed by the board of directors of the district, not to exceed, however, the sum of six dollars per day for the time actually engaged in the discharge of such duties.

Section 53. Notice of such election stating the maximum amount of bonds to be issued, which amount shall not exceed the engineers estimate, together with the amount of incidental expenses, organization expenses, and the cost of additional work which it may become necessary to add to the engineer's estimate by any change or modification made by the directors of the district in the proposed work; also stating the proposed maximum interest rate thereon, and the proposed maximum maturity date of said bonds; also stating the time and place or places of holding the election, shall be given by the secretary of the board of directors, as ordered by the directors, by posting notices thereof in four public places in such district and one at the courthouse door of the county or counties in which said district is situated. Such notice shall be posted for at least twenty days prior to the date of the election. Said notice shall also be published in the manner prescribed in Section 43, Chapter 87, Acts Thirty-fifth Legislature Regular Session.

The said notice shall contain substantially the proposition to be voted on as herein provided; provided, however, the bonds so voted upon may be issued to mature in serial form at any date not to exceed the maximum date stated in the notice and may be issued at any rate of interest not to exceed the rate of interest stated in such notice. Said notice shall also contain a summary of the engineer's estimate of the cost of construction of the proposed improvements, and estimate of cost of purchase of any existing improvements to be purchased, together with additions thereto as herein provided. If, however, contract with the United States is proposed for election, the

notice shall state the maximum amount of money payable for construction purposes, exclusive of penalties and interest.

Section 56. Immediately after the election the presiding judge at each polling place shall make return of the result in the same manner as provided by law in general elections, such return to be made to the Secretary of such district, who shall keep same in a safe place, and deliver them together with the returns from the several polling places, to the directors of such district, who shall at a regular session or a special session called for that purpose, canvass said returns and declare the results thereof. In a district operating under authority of Section 59 of Article 16 of the Constitution, a majority vote is required in favor of the issuance of bonds and in other districts a two-thirds majority is required. If said canvass of said returns shows said bond issue to have been adopted, or said election to have been in favor of making contract with the United States, as the case may be, and the levy of tax, then said directors shall declare the result of said election to be in favor of the issuance of the bonds, or in favor of the making of contract with the United States, and the levy of tax and payment therefor, and shall cause the same to be entered in their minutes.

Section 57. After the canvass of the vote and declaring the result, as provided for in the preceding section, the directors for said district shall make and enter and order directing the issuance of bonds, or authorizing the execution of contract with the United States for such district, as the case may be, sufficient in amount to pay for such proposed improvements, together with all necessary incidental expense connected therewith, not to exceed the amount specified in the order for the election and the notice of election. In districts organized under the authority of Article 52 of Section 3 of the Constitution the amount of such bonds, or the amount of contract indebtedness with the United States, shall not exceed in amount one-fourth of the actual assessed value of the real property in such district, as shown by the assessment thereof made for the purpose of determining the value thereof, or at the last annual assessment as provided for in this Act. This

limitation of indebtedness of one-fourth of the assessed value shall not apply to district organized under the authority of Section 59 of Article 16 of the Constitution. Provided, however, that if, after an election has been held for the issuance of bonds or for contract with the United States, and the tax authorized and levied, and bonds have been authorized to be issued, or have been issued as provided for in this Act, or contract with the United States authorized or executed, as the case may be, the directors for said district shall consider it necessary to make any modifications in said district, or in any of the improvements thereof, or shall determine to purchase or construct any further or additional improvements therein and issue additional bonds upon the report of the engineers, or shall determine to make supplemental contract with the United States, or upon its own motion may find it necessary to make said additional improvements, or purchase additional property in order to carry out the purpose for which said district was organized, or to best serve the interests of said district, said finding shall be entered of record, and notice of an election for the issuance of said bonds, or for the authorization of contracts with the United States, shall be given, and such election held within such times, and the returns of such election be declared to be in favor of the issuance of such bonds or the making of such contract with the United States, said directors may order such bonds to be issued, or may negotiate and execute supplemental contract with the United States as in the manner provided in this Act. And provided, that if a contract is made with the United States as in Section 21 hereof provided, and bonds are not deposited with the United States in connection with said contract, bonds need not be issued, or if required to raise funds in addition to the amount of such contract, said bonds shall be issued only in the amount needed in addition thereto. Provided further, that whenever such a district shall have constructed or purchased improvements and same shall be damaged so that it may be necessary to raise funds to repair such damage, such district may either issue bonds to secure such funds or may issue

its notes to run not to exceed twenty years, and to bear interest at not to exceed six per cent per annum. Before such notes are issued, the board of directors shall order an election and give notice thereof as required in bond issues stating the purpose for which they are to be issued, the time they are to run, and the rate of interest they are to bear, and the time and place of said election. The ballots for such election shall have printed thereon "For Issuance of Notes" and "Against Issuance of Notes." The election shall be held and returns made and canvassed as provided for bond elections. If two-thirds majority of those voting at such election vote in favor of the issuance of such notes, the board of directors may issue same and sell same for the benefit of said district. Such notes shall not be issued in an amount of more than thirty thousand dollars. At the time such notes are issued or sold the board of directors shall levy a tax for the purpose of paying the interest thereon and creating a sinking fund sufficient to pay such interest and to pay said notes within the time of their maturity. Said notes may be issued in serial form to mature in installments as determined by the directors.

Section 60. Any such district in this State desiring to issue bonds in accordance with this Act shall, before such bonds are offered for sale, bring an action in the district court in any county of the judicial district in which said district, any or part thereof, may be situated or in the district court of Travis County, to determine the validity of any such bonds, or such district contracting with the United States in accordance with this Act, shall, if requested by the Secretary of the Interior, bring an action in said court to determine the validity of said contract. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of a general notice thereof once each week for at least two consecutive weeks in some paper of general circulation published in the county or counties in which such district is situated, and if no paper is published in the county then same shall be published in a paper in the nearest county thereto where a paper is published. Notice shall also be served upon the Attorney General

of the State of Texas of the pendency of said action in the same manner as in civil suits. The Attorney General may waive service in such suits when furnished a full transcript of the proceedings had in the formation of such district and in connection with the issuance of said bonds, or in connection with the authorization of said contract with the United States and a copy of the contract.

Section 65. The county commissioners court in the county in which such district may be situated, in whole or in part, shall provide a well bound book in which a list of said bonds shall be kept by the county clerk, showing their numbers, amount, rate of interest, date of issue, when due, where payable, and said book shall be a public record.

Section 69. There is hereby created what shall be termed the "Interest and Sinking Fund" for such district, and all taxes collected under the provisions of this Act, for such fund, shall be credited to such fund, and shall never be paid out, except for the purpose of satisfying and discharging the interest on said bonds, or for the payment of such bonds, and to defray the expense of assessing and collecting such tax, and for the payment of principal and interest due or to become due to the United States under any contract between the district and the United States accompanying which bonds of the district have not been deposited with the United States, as in Section 21 hereof provided, such fund shall be paid out upon order of the directors of such district upon warrants drawn therefor, as hereinbefore provided, and at the time of such payment the depository for such district shall receive and cancel any interest coupon so paid or any bond so paid, and when any such interest coupon or bond has been paid it shall be delivered to the directors and be cancelled and destroyed.

Section 70. There shall also be created a fund to be known as "Maintenance and Operating Fund" and such fund shall consist of all moneys collected by assessment or otherwise for the maintenance and operation of the properties owned or acquired by such district, or for temporary annual rental due to the United States, and out of this fund shall be paid all expenses of operation of every kind except the expenses of assessing and collecting

taxes for the interest and sinking fund; and for the payment of any balance due on construction or for extensions and improvements, not otherwise provided for, such debts to be paid upon warrants executed as otherwise provided herein.

Section 80. Where any such district proposed to be established lies partly within two or more counties a petition in accordance with the requirements of this Act shall be presented to the county commissioners court of each county in which a portion of said district shall lie. Said petition shall describe the whole district and also that portion of same in the county where said petition is presented. The court shall have jurisdiction over all matters, herein provided for, pertaining to the territory lying in their county. All notices and procedure provided for in this Act in the formation of such districts shall be followed and carried out by the court in each county as applying to the territory therein to be included in said district. The election herein provided for, for the establishment of such district and the election of directors thereof shall be ordered as herein provided by the county commissioners court of each county in which any portion of said district shall lie, for the portion of said district in said county. Said election shall be ordered, provided for and conducted as if the territory lying in said county was in itself to be incorporated in such district, but such orders and notices shall state that same is part of such entire proposed district. The said election shall be held in the territory lying in each county on the same day. The returns of said election shall be made to the officers of the county wherein said election is held and shall be canvassed by the county commissioners court, as provided by law. Said court shall determine and certify to the number of votes cast in favor of the formation of said district and the number of votes cast against the formation of said district and the number of votes cast for each person voted for the office of directors. Within five days, or as soon as possible, after said election returns have been canvassed by said court, the clerk of said commissioners court shall certify and report the result of said election and the number of votes polled for each side of said proposition and the number of votes

polled for each person voted for for director to the county judge of the county in which the largest portion of said district is situated, and said county judge shall canvass said entire vote and determine the number of votes received for the formation of said entire district and the number of votes received against the formation of said entire district, and also the number of votes received by each person voted for as directors in said entire district, and shall declare the result thereof. If it be found and determined that a majority of the property tax paying voters thereon in said entire district have voted in favor of the creation of said district the said county judge shall declare the result thereof in the manner herein provided in Section 10 of this Act, and copies thereof shall be filed for record in the deed records of each county in which a part of the district lies as provided in Section 11 hereof. Said county judge shall issue to the five persons receiving the highest number of votes for the office of director certificates of their election. In the event two persons should receive the same number of votes the other directors elected may proceed to qualify as herein provided, and such directors so elected and qualified shall order a new election to fill such vacancy caused by such tie vote. The board of directors elected for such district shall qualify and meet as herein provided and shall have charge of the affairs of the district in the same manner as herein provided for districts lying wholly within one county. The bonds of such directors shall be approved by the commissioners court of the county embracing the part of said district in which they live or in which their property is situated.

Section 108. All districts organized under the provisions of this Act shall have full authority, acting by and through its board of directors, to construct all work and improvements necessary for the irrigation of lands in said districts, and to supply, deliver and sell water for domestic power, and commercial purposes when operating under the authority of Section 59 of Article 16 of the Constitution; and to fully carry out the purpose of its organization and the conservation and use of water for the several purposes authorized by the Constitution and

laws of this State, and to acquire the right to the use of water in the manner provided by law, and the directors of such districts, subject only to the provisions hereof, shall have full authority to manage such districts and the business of such districts for the purpose of carrying out the intention and purposes of the organization.

Section 2. There shall be added to said Act, being Chapter 87, Acts of the Thirty-fifth Legislature, Regular Session, providing for the organization and operation of water improvement districts, certain additional provisions embraced in Section 118a, 119, 120, 121 as follows, to-wit: in the following manner: The terms and conditions upon which such consolidation is to be affected shall be agreed upon by the board of directors in each district, and then the question shall be submitted to a vote in each district after giving notice thereof for at least twenty days in the manner provided by law for other elections. The election shall be held in such districts on the same day. The consolidation to be effected only in the event same is adopted by each and all such districts. When two or more districts are consolidated their obligations shall not be impaired but shall be protected and paid by taxes levied upon the property in the district creating said debt or by assessments in the same manner and extent as if said consolidation had not been effected. After consolidation such taxes shall be assessed and collected by the officers of the consolidated district and in the event they should fail or refuse to so assess and collect same, for such purpose, in due order and time, then same may be assessed and collected, and paid on such obligations, by a receiver appointed by and acting under the orders of a district court, in a proper suit which may be brought by a creditor or by five or more tax payers of such district. When two or more districts are consolidated into one district, same shall be governed as and be one district, except that the debts of each district, created prior to such consolidation, shall be paid as herein provided; provided, however, such consolidated district may contribute to such payments upon the terms stated in the consolidated agreement. When two or more districts are con-

solidated the officers of said respective districts shall continue to act jointly as the officers of said district, and to wind up, the affairs of their respective districts as affected by said consolidation, for a period of ninety days after the date of the election, and they may continue to so act until the next regular election if so provided by the consolidation agreement, or the consolidation agreement may provide who shall constitute the first board of directors to serve until the next general election if the officers then serving agree to resign. Said new

"Section 118a. Whenever a district proposed to be organized as herein provided contains within its boundaries as proposed and described in the petition for organization, a town, city or municipal corporation, or part thereof, when the county commissioners court calling the election to determine said question as herein provided shall constitute said territory within said town, city or municipal corporation, a separate election precinct, with one or more polling places, and the vote received for and against the proposition within said town, city or municipal corporation shall be separately canvassed by the court to determine whether or not a majority of those voting at said election within said town, city or municipal corporation voted for or against said proposition. If a majority of those voting at said election within such town, city or municipal corporation vote against the formation of such district the same shall not be formed including such town, city of municipal corporation, but if the majority of the voters therein is in favor of the formation of such district then such votes shall be canvassed with the votes of the balance of said entire district to determine the result of said election."

Section 119. The maintenance charges may be fixed as provided in Section 95 of this Act, or same may be determined upon the basis of the quantity of water used, and if based upon the use of water a fixed charge may be made on all lands or water connections entitled to receive and use water, and an additional charge may be made, or a graduated scale adopted, for the use of water in excess of that covered by the minimum

charge. The district may install proper measuring devices.

Section 120. Where a district includes a city or town, or contracts with a city or town to supply it water, the charge for the use and delivery of such water, and the time and manner of payment therefor shall be determined by the board of directors and be specified in a standing order of said board.

Section 221. Any two or more irrigation districts, or water improvement districts, governed by the provisions of this Act and amendments thereof, may be consolidated into one district officers shall within the period of ninety days after the election qualify as such officers of the consolidated district and assume such offices at the expiration of said period. All bonds of such officers will be approved by the then existing boards of directors.

Section 3. Any and all Acts of the Legislature in conflict with the provisions hereof are repealed insofar as they conflict with the provisions hereof; provided this Act shall not in any manner affect or repeal other laws providing other methods of forming similar districts.

Section 4. The fact that there are water improvement districts now being formed in the State that cannot be organized or operate under the present law and that the promotion of the agricultural interests of a large portion of the State are seriously affected by the defects in the present law, constitute an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, July 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 19 copy of which is hereto attached, and find it correctly enrolled, and have this day at 3:20 o'clock p. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Cousins.

C. S. S. B. No. 19.

AN ACT
To Be Entitled

An Act to provide for the creation of conservation districts within this State under and by virtue of the provisions of Section 59 of Article 16 of the State Constitution to be known as Fresh Water Supply Districts for the purpose of conserving, transporting and distributing Fresh Water from lakes, pools, wells, reservoirs, springs, creeks and rivers for domestic and commercial purposes; prescribing how such districts may be created; defining their rights, powers and privileges and the manner of their exercise; constituting such district when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such; providing for the construction, maintenance and protection of works and improvements by them; granting to such districts the right of eminent domain with certain exceptions, and the power to levy taxes and to cause the same to be assessed and collected, and to issue bonds and create indebtedness to raise funds for the objects of their creation, making penal interference with or injury to their works and improvements and fixing penalties and punishment to be imposed upon persons offending, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There may be created within this State conservation districts to be known as Fresh Water Supply Districts, for the purpose of conserving, transporting and distributing Fresh Water from lakes, pools, reservoirs, wells, springs, creeks, and rivers for domestic and commercial purposes, as contemplated by Section 59, Article 16 of the Constitution of this State, which said districts shall have and may exercise all the rights, privileges and powers given by this Act and in accordance with its directions, limitations and provisions. Such districts may or may not include cities and towns.

Section 2. When it is proposed to create a Fresh Water Supply District, there shall be presented to the

Commissioners' Court in which the lands to be included in such district are located, or to the County Judge of the County, if the Commissioners' Court is not in session, a petition signed by fifty or a majority of the qualified voters of such proposed district who shall own land within the District purposes, setting forth the proposed boundaries thereof, the general nature of the work proposed to be done, the necessity therefor, and the feasibility thereof and designating a name therefor, which shall include the name of the county in which it is situated, and upon presentation of such petition it shall be the duty of the Commissioners' Court or the County Judge of such county if the court be not in session to forthwith fix a time and place at said petition shall be heard before the Commissioners' Court of the county herein it is filed, which date shall be not less than fifteen nor more than thirty days from the date of the order, and to order and direct the County Clerk of such County, as ex-officio Clerk of the Commissioners' Court thereof, to issue notice of such time and place of hearing, which notice shall inform all persons concerned of the time and place of hearing and their right to appear and contest the genuineness of such petition and the signature thereto and whether said petitioners are qualified voters of such proposed district and owners of land therein and to deliver such notice to any adult who is willing to execute the same by posting as herein directed.

Section 3. Upon receipt of the notice above provided for by any adult person willing to receive and execute the same it shall be the duty of such person, or persons if more than one shall act, to post a copy of such notice at the door of the Court House of said County, and a copy at four different places within such proposed district. Such posting shall be for not less than ten days prior to the date fixed for the hearing and the person or persons so posting shall make affidavit, before some officer authorized by law to administer oaths of his or their action in respect to such posting, and such affidavit when so made shall be conclusive of the facts sworn to.

Section 4. A petition for the formation of such a district shall be accompanied by a deposit of One Hun-

dred Dollars, which deposit shall be paid to the Clerk of the County Court, who shall therefrom upon vouchers approved by the County Judge, pay all expenses incident to the hearing and the election for the creation of the District herein provided for, returning any excess to the petitioners or their attorney.

Section 5. At the time and place set for the hearing of the petition or such subsequent date as may then be fixed, the court shall proceed to examine such petition for the purpose of ascertaining the sufficiency thereof, and any person interested may appear before the court in person or by attorney and offer testimony touching the efficiency of such petition. Such court shall have jurisdiction to determine all issues raised touching the sufficiency of such petition. Such hearing may be adjourned from day to day and from time to time as the facts may require. The court shall have power to make all incidental orders necessary in respect to the matter before it.

Section 6. If upon the hearing of such petition it be found that the same is signed by the requisite number of qualified voters of such proposed district, who own land therein and that such petition conforms to the provisions of Section 2 of this Act, then the court shall so find in favor of the petitioners for the establishment of a district according to the boundaries as set forth in said petition and the County Commissioners' Court hearing said petition shall order an election to be held within said proposed Fresh Water Supply District at a time not less than twenty nor more than thirty days from the date of such order. At which election there shall be submitted the following propositions:

"For the Fresh Water Supply District," "Against the Fresh Water Supply District," and the election of five supervisors and an assessor and collector as hereinafter provided.

Section 7. After the ordering of an election as provided in the preceding section, notice of such election shall be given stating the time and place or places of holding the election and showing the boundaries of said proposed district, and such notice shall also show the presiding officer or officers appointed for the holding of said election. Such notice

shall be posted at the Court House door of the county in which said proposed district is situated, and shall be posted for twenty days previous to the day of the election and shall contain the proposition to be voted upon and names of officers to be filled at such election.

Section 8. The manner of conducting such election shall be governed by the election laws of the State of Texas, except as herein provided, and at such election none but resident property tax payers who are qualified voters of such proposed district shall be entitled to vote on any question submitted to the voters thereof at such election. The county Commissioners' Court shall name a polling place or polling places for such election. Each and every Fresh Water Supply District is hereby constituted an election precinct for the purpose of the election above specified, and all other elections which may be ordered or held under any provisions of this Act. The Commissioners' Court ordering said election shall select and appoint two judges, one of whom shall be presiding judge, and two clerks at each polling place named, and shall provide the necessary ballots for such election. Said ballot shall have printed thereon the following: "For the Fresh Water Supply District," "Against the Fresh Water Supply District," and the names of the persons recommended for supervisors and officers in the petition presented to the Commissioners' Court. Said ballot shall also have five blank places after the name of those printed on which each voter may write the names of other persons for supervisors and assessor and collector, and there shall be no other matter placed on said ballot.

Section 9. Every person who offers to vote in any election held under the provisions of this Act shall take the following oath before the presiding judge of the polling place where he offers to vote and for such purpose the presiding judge is hereby authorized to administer the same:

"I do solemnly swear (or affirm) that I am a qualified voter of..... county and that I am a resident property tax payer of the proposed Fresh Water Supply District voted on at this election, and have not before voted in this election."

Section 10. Immediately after the election the presiding judge at each polling place shall make returns of the result in the same manner as provided for in general elections for State and county officers, and the Commissioners' Court shall forthwith at a regular session, or if said court be in regular session or special session called for that purpose if said Commissioners' Court be not in regular session, canvass such vote and if it be found that the voters of a majority of the resident property tax payers voting thereon shall have been cast in favor of the Fresh Water Supply District, then the court shall declare the result of said election in favor of the establishment of said district and shall enter the same in the minutes of said court, and shall also canvass the vote for supervisors and assessor and collector and issue or cause to be issued to the five supervisors receiving the highest number of votes certificates of their election and to the person receiving the highest number of votes for assessor and collector a certificate of his election as provided under the general election law. Provided, however, that should it be found that two or more persons had received the same number of votes for the position of fifth supervisor the said Commissioners' Court shall select one of said persons to fill said position.

Section 11. If the Commissioners' Court shall declare the result of said election to be in favor of the establishment of the Fresh Water Supply District, then said court shall cause to be made and entered in the minutes of said court an order setting forth substantially as follows: "In the matter of the petition of..... and.....others praying for the establishment of a Fresh Water Supply District as in said petition described and designated, as..... County Fresh Water Supply District No.; be it known that an election was called for that purpose in said district and held on the..... day ofMonth, A. D. 19.... and a majority of the resident tax payers voting there at voted in favor of the creation of the said Fresh Water Supply District. Now, therefore, it is ordered by the court that a Fresh Water Supply District be and the same is

hereby established under the name of County Fresh Water Supply District No. with the following metes and bounds:" (Which field notes shall be copied in the record.) The first district created under this Act in any county shall assume the number "ONE", the second district created shall assume the number "TWO", and so on consecutively. •

Section 12. After the making and entering by the Commissioner Court of the order establishing a Fresh Water Supply District as herein provided, the court shall cause to be made a certified copy of such order, which shall be filed with the County Clerk of the county in which such district is situated, and the same shall be duly recorded in the deed records of said county, and such recordation shall have the same effect in so far as notice is concerned, as is provided for the record of deeds and all costs in connection with the making and recording of such copy shall be paid by the District.

Section 13. Within ten days after the making and entry of the order of the Commissioners' Court declaring the result of the election and the establishment of the Fresh Water Supply District as herein provided, or as soon thereafter as practicable, the supervisors elected at such election shall give and enter into a good and sufficient bond in the sum of \$5,000.00 each payable to the fresh water Supply District, conditioned upon the faithful performance of their duties to be approved by the Commissioners' Court provided, however, that after the organization of such district all bonds required to be given by any supervisor, officer or employee of such supply district shall be approved by the supervisors of such districts instead of the Commissioners' Court. The supervisors shall take the oath of office prescribed by Statute for Commissioners' Court except that the name of the Supply District shall be substituted for the name of the county in said oath of office, and the bond and oath herein provided for shall be filed with the County Clerk of the county wherein the order was entered creating said district, and by him recorded in the official bond records of said county, and after it is recorded said bond shall be delivered by the county clerk to the depository

selected by such district under the provisions of this Act, and shall be by it safely kept as part of the records of said district.

Section 14. The supervisors of such Fresh Water Supply District shall organize by electing one of their number as president, and any three of them shall constitute a quorum, and a concurrence of three shall be sufficient in all matters pertaining to the business of their district. They shall have power to appoint a secretary who shall receive such compensation as the Board of Supervisors may fix, not to exceed One Hundred Fifty (\$150.00) Dollars per month.

Section 15. No person shall be elected as supervisor for any Fresh Water Supply District created under this Act unless he is a resident of such district and owns land subject to taxation within such district, and who at the time of such election shall be more than twenty-one years of age.

Section 16. The Board of Supervisors herein provided for shall have control over and management of all the affairs of such Fresh Water Supply District, shall make all contracts pertaining thereto and such supervisors shall have control of the construction of all improvements and works within and without the boundaries of such district and the transportation and distribution of the water of such district, and shall prescribe the manner and terms upon which water shall be furnished, and shall be authorized to fix the rate to be charged users of water from such supply district, and shall promulgate rules and regulations governing the distribution and use of water and the revenue from the sale of such water shall be applied to operating expenses and the upkeep of the system of improvements installed in said district, and any surplus that may be left after paying such expenses shall be from year to year applied to the payment of interest on the bonds or other indebtedness that may be incurred by the district, and if there be more than enough to pay operating and upkeep expenses, and the interest on the indebtedness of the district, then such surplus shall be passed by the supervisors to the sinking fund provided in this act, and the board of supervisors shall employ all

necessary employees for the proper handling and operation of such district, and especially may employ a general manager, attorneys, a book-keeper and an engineer and such assistants and laborers as may be required, and they may also buy all necessary implements, machinery, work animals, equipment and supplies, as may be required for the construction, operation and maintenance of the system of works and improvement of such Fresh Water Supply District.

Sec. 17. All Fresh Water Supply Districts created as herein specified shall be governmental agencies and bodies politic and corporate with such powers of government, and with authority to exercise such rights, privileges and functions concerning the purpose for which they are created, as may be conferred by this Act, or any other law of this State, to the benefit of which they may become entitled, and such districts are hereby declared to be defined districts within the meaning of Section 59, Article 16 of the Constitution and may by and through their supervisors, sue and be sued in any and all courts of this State in the name of such Fresh Water Supply District, and all courts of this state shall take judicial notice of the establishment of such districts, and said districts shall contract and be contracted with in the name of such districts. And all such Fresh Water Supply Districts shall have full authority and right to acquire water rights and privileges in any way that any individual or corporation may acquire same, and to hold the same either by gift, purchase, device, appropriation or otherwise.

Sec. 18. Fresh Water Supply Districts created under this Act are entitled to the benefits of this provision, and subject to the limitations of this act contained, shall have full power and authority to build, construct, complete, carry out, maintain and in case of necessity add to and rebuild all works and improvements within and without such districts necessary to fully accomplish any plan of conservation, transportation and distribution of fresh water adopted for or on behalf of such districts and may make all necessary and proper contracts, and employ all persons and means necessary to that end, and such districts are author-

ized, if the governing bodies thereof shall deem it necessary, to take over in whole or in part by purchase or otherwise, any water plants or systems within such districts; and in the accomplishment of such purposes they may or may not issue bonds, and may or may not incur indebtedness, provided that no bonds by or on behalf of such district shall be issued nor shall any indebtedness against the same be incurred unless the proposition to issue such bonds or to incur such indebtedness, shall first be submitted to the qualified property tax paying voters of such district, and the proposition adopted by a majority of the property tax paying voters of the district voting at an election held to determine such question enumeration of specific powers contained in this Act shall be the name of such Fresh Water Supply Districts, and all courts of limitation upon the general powers hereby conferred except as may be distinctly expressed.

Section 19. The right of eminent domain is hereby expressly conferred on all Fresh Water Supply Districts established under the provisions of this act for the purpose of enabling such districts to acquire the fee simple title, easement, or right-of-way over and through any and all lands, water, or lands under water, private or public (except lands and property used for parks, manufacturing industries and established and developed water powers existing at the time of the creation of such district, and cemetery purposes) within and without such districts necessary for making, constructing and maintaining all canals, conduits, aqueducts, pipe lines, pumping plants and other improvements necessary for the conservation, transportation and distribution of fresh water for the purposes herein named. In the event of the condemnation or taking, damaging or destroying of any property for such purposes, the Supply Districts shall pay to the owner thereof adequate compensation for the property taken, damaged or destroyed. All condemnation proceedings or suits in the exercise of eminent domain under this act shall be instituted under the direction of the district supervisors, and in the name of the Fresh Water Supply District, and all suits or other proceedings for such purposes and for the assessing of damages, and all

procedure with reference to condemnation, the assessment of and estimating of damages, payment, appeal, the entering upon the property pending the appeal, etc., shall be in conformity with the statutes of this state, for the condemning and acquiring of right of way by railroad company, and all such compensation and damages adjudicated in such condemnation proceedings and all damage which may be done to the property of any person or corporation in the construction and maintenance of canals, conduits, pipe lines, pumping plants and other improvements under the provisions of this Act shall be paid out of any funds or properties of the said Fresh Water Supply District, except taxes necessarily applied to the sinking fund and interest on the district bonds.

Section 20. The District Supervisors of any district are hereby empowered to acquire the necessary right of way for canals, conduits, pipe lines, pumping plants and other necessary improvements contemplated by this Act, by gift, grant, purchase or condemnation proceedings as hereinbefore provided.

Section 21. The supervisors or any district, and the engineers and employees thereof are hereby authorized to go upon any lands lying within or without said district, for the purpose of examining the same with reference to the location of canals, conduits, pipe lines, pumping plants and all other kinds of improvements to be constructed for such district, and for any other lawful purpose connected with their plan of conservation, transportation and distribution of water, whether herein enumerated or not, and such necessary improvements may be constructed and maintained within and without such proposed districts upon lands acquired as herein authorized.

Section 22. The said Fresh Water Supply Districts are hereby authorized and empowered to make all necessary levees, bridges and other improvements across or under any railroad embankments, tracks, or rights of way, or public or private roads or the rights of way thereof, or rivers or other public improvements of other districts, or other such improvements and the rights of way thereof, for the purpose of enabling the Fresh Water Supply necessary for said district; provided, however,

that notice shall first be given by said Fresh Water Supply District to the proper railroad authorities or other authorities or persons relative to the additions or changes to result from the improvements contemplated by the said Fresh Water Supply District; and the said railroad authorities or other authorities or persons shall be given thirty (30) days in which to agree to said work to be done in the manner proposed by said district, or to refuse to agree thereto, in case of refusal, they shall at their own expense, construct the said improvements in their own manner; provided such design or manner of construction shall be satisfactory to said Fresh Water Supply District.

Section 23. Fresh Water Supply Districts are hereby given the right of way across all public or county roads, but they shall restore such roads where crossed to their previous condition for use, as near as may be.

Section 24. Fresh Water Supply Districts shall have authority to act jointly with each other with political subdivisions of the State, with other states, with cities and towns, and with the government of the United States, in performance of any of the things permitted by this Act; such joint acts to be done upon such terms as may be agreed upon by their supervisors.

Section 25. The office of assessor and collector herein provided for shall be filled by the same person, and before entering upon his duties as such assessor and collector he shall qualify by making and entering into a good and sufficient bond in the sum of Five Thousand (\$5,000) Dollars conditioned upon the faithful performance of his duties as assessor and collector and upon the paying over to the district depository of all sums of money coming into his hands as such collector; provided, however, that the supervisor shall require additional security in the event, in their judgment, the same may become necessary; and such assessor and collector shall be a resident of the district and a qualified voter in the district and shall receive such compensation for his services as may be provided by the board of supervisors, not to exceed \$2,400.00 per annum, which salary shall be paid by the district upon vouchers issued by the Board of Supervisors.

Section 26. After the establishment of any such Fresh Water Supply District, and the qualification of the Supervisors thereof, the Board of Supervisors may order an election to be held within such organized districts at a time not less than twenty nor more than thirty days from the date of said order, at which election, there shall be submitted this proposition and none other; "For the issuance of bonds and levy of taxes in payment thereof," "Against the issuance of bonds and levy of taxes in payment thereof."

Section 27. Notice of such election, stating the amount of bonds as determined by the Board of Supervisors to be necessary to be issued, shall be given by the Board of Supervisors, by posting a copy of said notice in four public places in said Fresh Water Supply District, one at the court house door of the county in which said District is situated; copies of which notice shall be posted for twenty days previous to the date of the election, and shall contain the proposition to be voted upon as set forth in the preceding section, together with an estimate of the probable cost of construction of the proposed improvement, and incidental expenses connected therewith, and an estimate of the cost of the purchase of the improvements already existing, if the same is contemplated, or the purchase of said necessary improvements, and the construction of additions thereto as the case may be. The manner of conducting such election shall be governed by the election laws of the State of Texas, except as hereinbefore otherwise provided. None but resident property tax payers who are qualified voters of such proposed district shall be entitled to vote on any question submitted to the voters thereof by the board of supervisors for said Fresh Water Supply District. The Board of Supervisors for such district shall name a polling place, or places, in such district and shall also select and appoint two judges, one of whom shall be presiding judge, and two clerks for each voting place designated by them and shall provide the necessary ballots for said election. Said ballot shall have written or printed thereon the words and none other: "For the issuance of bonds and levy of taxes in payment thereof," "Against the issuance of bonds and

levy of taxes in payment thereof." All expense incident to the calling and holding of such election or any other election authorized by this Act shall be paid out of any funds of said Fresh Water Supply District except interest and sinking fund provided for in this Act upon vouchers drawn by the Board of Supervisors.

Section 28. Every person who offers to vote in any such election shall first take oath hereinbefore set forth in Section No. 9 of this Act before the presiding judge of any one of the judges of the polling places where he offers to vote, and the presiding judges are hereby authorized to administer said oath.

Section 29. Immediately after the election, the presiding judge of each polling place shall make return of the result in the same manner as provided for in general election for State and County officers, such return shall be made to the Board of Supervisors who shall at a regular or special session called for the purpose of canvassing said vote, canvass said vote and if it be found that the votes of a majority of the resident property tax paying voters voting therein shall have been cast in favor of the issuance of the bonds and levy of taxes, then said supervisors shall declare the result of said election to be in favor of the issuance of bonds and levy of taxes, then said supervisors shall declare the result of said election to be in favor of the issuance of bonds and levy taxes and in payment thereof and shall cause same to be entered in their minutes.

Section 30. After the canvass of the vote and declaring the result as provided for in the preceding section, the supervisor for said Fresh Water Supply District shall make and enter an order in their minutes directing the issuance of bonds for such district sufficient in amount to pay for such proposed improvements together with all necessary actual and incidental expenses connected therewith, and not to exceed the amount specified in said order and notice of election.

Section 31. The bonds issued under the provisions of this Act shall be issued in the name of the Fresh Water Supply District, signed by the president of the board of supervisors and attested by the secretary with the seal of said district affixed thereto and such bonds shall be issued in denominations of not less than one hun-

dred (\$100.00) Dollars nor more than One Thousand (\$1000.00) Dollars each, and such bonds shall bear interest at the rate of not to exceed six (6) per cent, payable annually or semi-annually. Such bonds shall by their terms provide the time, place or places, manner and conditions of their payment and the purpose for which they are issued and the interest thereon as may be determined and ordered by the board of supervisors for such Supply District and none of such bonds shall be made payable more than forty years after the date thereof.

Section 32. When bonds shall have been issued by and on behalf of any Fresh Water Supply District, the supervisors of such district shall procure and deliver to the treasurer of the county in which such district is located, a well bound book in which a list shall be kept of all such bonds with their manner, amount, rate of interest, date of issuance, when due, where payable, amount received for same and the tax ley to pay interest on and to provide a sinking fund for their payment which book shall at all times be open to the inspection of the parties interested, either as tax payers or bond holders; and upon the payment of any bond, an entry thereof shall be made on such book. The county treasurer shall receive for his services in recording all these matters the same fees as may be allowed by law to the county clerk for recording deeds.

Section 33. Before any bonds issued by or on behalf of any Fresh Water Supply District are offered for sale there shall be forwarded to the Attorney General a certified copy of all proceedings had in the organization of the district and with reference to the issuance of such bonds in connection with the bonds themselves and such other information with respect thereto as may be required by the Attorney General shall be furnished; and it shall be the duty of the Attorney General to carefully examine said bonds in connection with the record and Constitution and laws of this State governing the issuance of such bonds, and, if, as a result of his examination, the Attorney General shall find that such bonds are issued in conformity with the Constitution and laws of the State and that they are valid and binding obligations upon the district by or on

behalf of which they are issued, he shall so officially certify, and until he shall officially certify, and until registered by the Comptroller as hereinafter required, the said bonds shall be without validity.

Section 34. When the bonds of any Fresh Water Supply District have been examined and approved by the Attorney General and his certificate thereto has been issued they shall be registered by the State Comptroller in a book kept for that purpose and the certificate of the Attorney General as to the validity of such bonds shall be preserved of record. Such bonds after receiving the certificate of the Attorney General, and after having been registered in the Comptroller's office, as herein provided, shall be held, in every action, suit or proceeding in which their validity may be brought into question, prima facie valid; and in every action brought to enforce collection of such bonds and interest thereon, the only available defense against the validity of such bonds shall be forgery or fraud.

Section 35. When bonds shall have been issued, approved and registered as provided in this Act, the board of supervisors shall sell said bonds on the best terms and for the best price possible. The supervisors selling said bonds shall promptly pay over to the depository of said district the proceeds of said bonds to be placed to the credit of such district; but none of said bonds shall be sold for less than face value thereof and accrued interest.

Section 36. Immediately after the voting of bonds in any Fresh Water Supply District as provided by this Act, the assessor and collector as hereinbefore provided, shall at once proceed to make an assessment of all of the taxable property, both real, personal and mixed in his district; and such assessment shall be made annually thereafter. Said assessment shall be made upon blanks to be provided by the supervisors for such district. Said assessment shall consist of a full statement of all property owned by the party rendering same in said district and subject to taxation therein and shall state the full value thereof. There shall be attached to each such assessment an affidavit made by the owner or his agent rendering said property for taxation to the effect that said assessment or rendition contains a true and com-

plete statement of all property owned by the party for whom said rendition is made in said district and subject to state and county taxation therein; and in addition to all such assessments or rendition made by the owner or agents of such property, the tax assessor shall make out similar lists of all property not rendered for taxation in such district that is subject to state and county taxation. Each and every person, partnership or corporation owing taxable property in such district shall render same for taxation to the assessor when called upon to do so, and if not called upon by the assessor, the owner shall on or before June first of each year, nevertheless, render for taxation all property owned by him in the district subject to taxation.

And all penal laws and penal statutes of this State providing for securing the rendition of property for state and county taxes, and providing penalties for the failure to render such properties shall apply to all persons, partnerships or corporations owning or holding property in any Fresh Water Supply District. The tax assessor shall have authority to administer oaths to fully carry out the provisions of this section.

Section 37. When the bonds shall have been issued by any Fresh Water Supply District, the board of supervisors of such district shall levy and cause to be assessed and collected taxes upon all property, real and personal and mixed, within such district based upon the full value of each piece of property, which taxes shall be sufficient in amount to pay the interest on such bonds as it shall fall due, and to raise an additional fund which shall create a sinking fund sufficient to redeem and discharge such bonds at maturity; and such taxes shall thereafter be levied annually so long as such bonds, or any of them, are outstanding, sufficient in amount to accomplish the purposes indicated. Sinking funds shall from time to time be invested in such county, municipal, district or other bonds as other sinking funds may by law be invested in, or in bonds of the series to which such funds apply if offered for redemption before maturity upon terms deemed advantageous to the district by its supervisors.

Section 38. If at any time it should be deemed necessary by the board of supervisors to vote a maintenance

tax in such district, they shall call an election in such district, at which election shall be submitted the question "For a maintenance tax," "Against a maintenance tax;" the supervisors calling said election shall state the amount of said maintenance tax proposed to be voted and such election shall be called and held and the votes returned and canvassed in the same manner as provided for the issuance of bonds in this Act. And when a maintenance tax shall have been voted as herein provided, the supervisors of said district shall thereafter levy and cause to be assessed and collected upon all property real, personal and mixed of such district based upon the full valuation of same to an amount not exceeding the specific sum voted and the vote in such cases may be for a specific sum not to exceed a specific sum. The proceeds of such taxes shall be used for the maintenance, upkeep, repairs and additions to the improvements and the district or other lawful expense incurred by and on behalf of such district and for no other purposes. The right to levy such taxes shall remain in force until abrogated in whole or in part by another election to be called and held in the same manner as the election for the voting of maintenance taxes; but elections upon the question of repeal or reduction of maintenance taxes shall not be held oftener than every five years; provided, however, that the supervisors of such district may, or may not, levy from time to time the maintenance tax voted if such taxes are not necessary.

Section 39. All tax as provided for herein including the maintenance and operating taxes shall be collected under the direction of the supervisor by the assessor and collector for such district. He shall keep a true account of all moneys collected and deposit the same as collected in the district depository, and shall file with the secretary of the board of supervisors a true statement of all money collected once a week. He shall use a duplicate receipt book and shall give a true receipt for each collections made, retaining in such book a true copy thereof which shall be preserved as a record of the district.

Section 40. The supervisors for each Fresh Water Supply District created under the provisions of this Act shall at their first meeting or as

soon thereafter as practicable and annually thereafter, appoint three commissioners, each being a qualified voter and resident property owner of said district who shall be styled the "Board of Equalization" and at the same meeting the said Board of Supervisors shall fix the time for the meeting of such Board of Equalization for the first year; and said Board of Equalization shall convene at the time fixed by the Supervisors to receive all assessments, lists or books of the assessor for said district for examination, correction, equalization, appraisalment and approval and at all meetings of said board, the secretary shall keep a permanent record of all proceedings of said Board of Equalization, and such commissioners shall each receive as compensation for such service not to exceed Five (\$5.00) Dollars per day.

Section 41. Before entering upon the duties as such Board of Equalization, each of the members thereof shall take and subscribe to the following oath:

"I.....do solemnly swear (or affirm) that I will to the best of my ability make a full and complete examination, correction, equalization and appraisalment of all property contained within said district, as shown by the assessment list or books of the assessor for said district."

And said oath shall be spread upon the minutes to be kept by the secretary of said board.

Section 42. The Board of equalization herein provided for shall cause the assessor to bring before them, at the time fixed for the convening of said board all the assessment lists or books of the assessor of said district for their examination, that they may see that each and every person has rendered his property at its full value; and said board shall have power to send for persons and papers, to swear and qualify persons who testify, to ascertain the value of such property and if they are satisfied it is too high, they shall lower it to its proper value, and if too low, they shall raise the value of such property to the proper figure. Said board shall have power to correct any and all errors that may appear on the assessors list or books and shall have further authority to add any and all property to said list or inventories

that may have been omitted therefrom.

Section 43. The Board of Equalization shall equalize as near as possible the value of all the property situated within said district having reference to the location of said property and the improvements thereon situated, and any person may file with said board at any time before the final action of said board a complaint as to the assessment of his, or any other persons, property, and said board shall hear said complaint and said complaint shall have the right to have witnesses examined to sustain said complaint as to the assessment of said property, or as to failure to render any property owned by any person, partnership or corporation, situated within said districts, subject to taxation which has not been properly assessed.

Section 44. The assessor for such district, at the same time that he delivers to said board his lists and books shall also furnish to said board a certified list of the names of all persons who either refuse to swear to or to sign the oath or affirmation as required by this law, together with a list of the property of such persons situated within said district as made by him through other information, and said board shall examine the list and appraise the property so listed by the assessor.

Section 45. In all cases where the Board of Equalization shall find it their duty to raise the value of any property appearing on the lists or books of the assessor, they shall, after having fully examined such lists or books and corrected all errors appearing thereon adjourn to a day not less than ten nor more than fifteen days from the date of adjournment, such day to be fixed in the order of adjournment, and shall cause the secretary of the board to give written notice to the owner of such property, or to the person rendering same, of the time to which said board may have adjourned, and that such owner or person may at any time appear and show why the value of such property should not be raised, which notice may be served by depositing the same, properly addressed, and with necessary postage in any post office within the county.

Section 46. The Board of Equalization shall meet at the time speci-

fied in said order of adjournment, and shall hear all persons the value of whose property has been raised, and if said board is satisfied they have raised the value of such property too high, they shall lower the same to its proper value; and said Board of Equalization, after they have finally examined and equalized the value of all the property on the assessor's lists or books, or that may have been placed thereon in said board of equalization shall approve said lists or books and return them, together with the lists of unrendered property to the assessor, that he may make up therefrom his general rolls as required by this Act; and when said general rolls are so made up, the board shall immediately re-convene to examine said rolls, and to approve the same if found correct, and the action of the board at the meeting last provided for in this article shall be final, and shall not be subject to revision by said board or by any other tribunal thereafter.

Section 47. The members of the board of equalization and the secretary of said board, shall each receive such compensation for their services, to be allowed by the supervisors of said district, as they may deem just and reasonable, not to exceed however the sum of Five (5) Dollars per day for the time actually engaged in the discharge of such duties.

Section 48. After the return to the assessor and collector of the assessment lists or books duly approved by the Board of Equalization, as hereinbefore provided for, the said assessor and collector shall make up the assessment of all taxable property situated in said district and upon duplicate rolls, and after the approval of said rolls by the Board of Equalization, one of the same shall be delivered to the Supervisors of said Fresh Water Supply District, to be by them kept as a permanent record in their office, and all lists and books of said assessor shall be caused to be substantially bound and by him kept as a permanent record of his office and be delivered, together with all other records of his office, to his successor, upon his election and qualification or in case of a vacancy in such office to the supervisors of said Fresh Water Supply District.

Section 49. The assessor and col-

lector shall collect all taxes due to said Fresh Water Supply District, and shall, at the expiration of each week, pay over to the depository selected by said district, all moneys by him collected, and shall report to the supervisors of such district on the fourth Saturday of every month all moneys so collected by him and paid over to the depository, as hereinbefore provided, and shall perform all such duties and in such manner and according to such rules and regulations as the board of supervisors may prescribe, and for the convenience of the persons, firms or corporations owing such tax, shall keep and maintain an office with the Board of Supervisors for such Fresh Water Supply District where all such taxes may be paid.

Section 50. The assessor and collector shall be charged by the Supervisor for such Fresh Water Supply District, upon a permanent finance ledger, to be kept for said purpose by said District, with the total assessment as shown by the assessment rolls; and proper credit shall be given to the assessor and collector for all sums of money paid over to the depository as shown by his monthly reports as hereinbefore provided for, and upon the final annual settlement, the said assessor and collector shall make up a full complete report of all taxes that have not been collected, which said report shall be audited by said board of supervisors and proper credits given therefor, and such annual settlements shall be made on the first Monday in May of each year.

Section 51. The assessor and collector for said district shall hold office for the term of two years, and until his successor has been elected and qualified; provided, that the assessor and collector first elected to said office shall hold office only until the next general election to be held in said district for the election of officers as provided by this act.

Section 52. The assessment provided for in this Act shall be made upon all property subject to taxation in said district on the first day of January of each year, and such assessment shall be completed and the lists and books ready to deliver on or before the first day in June of each year.

Section 53. The Board of Equalization after the first year, shall con-

vene annually on the first Monday in June in each year to receive all of the assessment lists or books of the assessor of said district for examination, correction, equalization, appraisalment and approval, and for the addition thereto of any property found to be unrendered in said district, and shall complete the examination and equalization of said lists and rolls by the second Monday in June of said year, and shall complete and deliver said rolls to the assessor and collector by the second Monday in July of said year and the said assessment rolls shall be completed by the assessor and approved by the Board of Equalization, and returned to said assessor and collector by the first Monday in September of each year after the first assessment as hereinbefore provided.

Section 54. All taxes provided for by this Act shall become due and payable on the first day of October of each year, and shall be paid on or before the 31st day of January thereafter.

Section 55. All lands or other property which have been returned delinquent or which may hereafter be returned delinquent shall be subject to the provisions of this Act, and said taxes shall remain a lien upon said land, although the owner be unknown, or though it be listed in the name of a person not the actual owner, and though the ownership be changed; the land may be sold under judgment of the Court for all taxes, interest, penalty and costs shown to be due by such assessment for any preceding year.

Section 56. It shall be the duty of the Supervisors for such Fresh Water Supply District to cause to be prepared by the tax collector, at the expense of such district, a list of all lands upon which the taxes remain unpaid on the 31st day of January of each year, and such list of lands shall be known as the delinquent tax roll, and such tax roll shall be delivered to the secretary of such district to be by him safely kept as a part of the record of his office. Such delinquent record shall carry a sufficient description to properly identify the land shown to be delinquent therein. Such description may be made by reference to lot or block number.

Section 57. Upon receipt of such delinquent tax roll by the Supervisors

of said Fresh Water Supply District, the said Supervisors shall cause same to be recorded in a book which shall be labeled "The Delinquent Tax Record of County, Fresh Water Supply District No." and shall be accompanied by an index showing the name of delinquents in alphabetical order.

Section 58. Upon the completion of said delinquent tax record by any Fresh Water Supply District, it shall be the duty of the Supervisors thereof to cause the same to be published in some newspaper published in the county in which said district is situated for three consecutive weeks, but if no newspaper is published in the county, such list may be published in a newspaper outside of the county to be designated by such Supervisor, by a contract duly entered into, and a publisher's fees, of not to exceed twenty-five cents for each tract of land so advertised, and said publication and any other publication in a newspaper provided for in this Act may be proven by the affidavit of the proprietor of the newspaper in which the publication is made, his foreman or principal clerk, annexed to a copy of the publication, specifying the time when and the paper in which the publication was made.

Section 59. Twenty days after the publication of such notice, or as soon thereafter as practicable, the Supervisors for such Fresh Water Supply District shall employ an attorney to bring suit in the name of the Fresh Water Supply District in the District Court of said county for the purpose of collecting all taxes, interest, penalty and costs due upon said land. Said petition shall describe all lands upon which taxes and penalties shall remain unpaid and the total amount of taxes and penalties due thereon with interest computed thereon to the time fixed for the sale of said land at the rate of six per cent per annum, and shall pray for a judgment for said amount, and for the fixing, establishing and foreclosing of the lien existing against said land; that said lands be sold to satisfy said judgment for all taxes, interest, penalty and costs, and for such other relief to which such district may be entitled under the law and facts.

Section 60. The proper persons shall be made parties defendants in all such suits, and shall be served with process and other proceedings due therein as provided by the law for suits of like character in the district court of this State, and in case of foreclosure, order of sale shall issue to the lands sold thereunder as in other cases for foreclosure; but if the defendant or his attorney at any time before the sale, file with the sheriff or other office in whose hands any such order of sale shall be placed, a written request that the property described therein shall be divided and sold in less tracts than whole, together with a description of such subdivision, then such officer shall sell the lands in said subdivision as the defendant may request, provided same are reasonable, and in such case, shall sell only as many subdivisions as may be necessary to satisfy the judgment, interest, and penalties and cost, and after the payment of the taxes, interest and penalties and costs adjudged against it, the remainder of the purchase price, if any, shall be paid by the sheriff, or other officer executing said order of sale, to the defendant, or his attorney of record.

Section 61. In all cases in which lands may be sold for default, in the payment of taxes under the preceding section, it shall be lawful for the sheriff, or other officer, selling the same, or any of his successors in office, to make a deed or deeds to the purchaser, or to any other person to whom the purchaser may direct the deed to be made, and any such deed shall be held in any court of law or equity in this state to vest a good and perfect title to the purchaser thereof, subject to be impeached only for actual fraud.

Section 62. The attorney representing such district in all suits against delinquent tax payers that are provided for in this act shall receive for such service such compensation as may be allowed by the supervisors for such Fresh Water Supply District; provided, however, that in no event shall such fees exceed fifteen per cent of the amount of the taxes so collected. The sheriffs, district clerks, and other officers executing any writ or performing any service in the foreclosure of delinquent taxes on any land situated in any such Fresh Water Supply Dis-

trict, shall receive the same fees for such services as is provided by statute as fees for like services performed in connection with the discharge of the duty of their respective offices.

Section 63. If any person shall fail or refuse to pay the taxes imposed upon him or his property by this Act until after the 31st day of January next succeeding the return of the assessment roll for said Fresh Water Supply District, a penalty of ten per cent on the entire amount of such tax shall accrue, which penalty, when collected, shall be paid over to such district. And the collector of taxes shall by virtue of his tax roll seize and levy upon and sell so much personal property as shall be sufficient to make the amount of such taxes, together with the penalty above provided, interest thereon at the rate of six per cent per annum, and all costs accruing thereon. If no personal property be found for seizure and sale as above provided, the collector shall make up and file with the Secretary of the District the delinquent tax list hereinbefore provided for, charging against same all taxes, penalties and interest assessed against the owner thereof.

Section 64. Any delinquent tax payer whose lands have been returned delinquent, or any one having an interest therein, may redeem the same at any time before his lands are sold, under the provisions of this Act, by paying to the collector the taxes due thereon, with interest at the rate of six per cent, and all costs and the penalty of ten per cent as provided for in this Act.

Section 65. The supervisors of Fresh Water Supply Districts shall keep a true account of all their meetings and proceedings, and shall preserve all contracts, records of notices, duplicate vouchers, duplicate receipts, and all accounts and records of whatever kind, in a fire proof vault or safe, and same shall be the property of the district, and shall be delivered to their successors in office.

Section 66. The supervisors of such Supply District shall select a depository for such district under the same provisions as now provided for the selection of depositories for the counties within this State; and the duties of such depositories shall be the same as now prescribed by law

for county depositories. In the selection of depositories, the supervisors of such Supply District shall act in the same capacity and perform the same duties as are incumbent upon the county judge and members of the commissioners' court in the selection of the county depositories; and all laws now in force or hereinafter to be enacted for the government of county depositories, shall apply to and become a part of this Act.

Section 67. The Fresh Water Supply District depository shall make a report of all moneys received and of all moneys paid out at the end of each month and file such reports with such vouchers among the records of such district in its own vault, and shall furnish a true copy thereof to the district supervisors and shall when called upon, allow same to be inspected by any tax payer, or resident of such district; such record shall be preserved as the property of such district and shall be delivered to the successor of such depository.

Section 68. The supervisors of each Fresh Water Supply District shall have and maintain a regular office suitable for conducting the affairs of such district within such Supply District and such supervisors shall hold regular meetings at said office on the first Monday in February, May, August and November of each year, at ten o'clock a. m., and shall hold such regular and special meetings as they may see fit, any tax payer or resident or interested party may attend any such meeting, but shall not participate in same without the consent of the supervisors and may present to said supervisors such matters as they desire in an orderly manner.

Section 69. All meetings of the supervisors shall be held at the regular office of the district. All vouchers issued for the payment of any funds of the district shall be signed by at least three supervisors and shall refer to the book and page of the minutes allowing such Act. All vouchers shall be issued from a regular duplicate book, retaining a duplicate which shall be preserved. The supervisor shall have kept a complete book of accounts for such district, and shall on June first of each year select a competent auditor who shall examine the accounts, books and reports of the depository, the assessor

and collector and supervisors, and make full report thereon, copy of which shall be filed with the depository, and a copy with the supervisors, and one with the county clerk of the county in which such district is situated. Such reports shall be filed by September first of each year, and such reports shall show in detail for what purposes the money from each fund has been expended.

Section 70. The officers and employees of any Fresh Water Supply District who may be required to give bond or security, may furnish bonds of surety companies to be approved by the District Supervisors, provided, however, that when such a surety company bond is furnished by any such officer or employee, the surety company furnishing the same shall file for record in the office of the county clerk in the county wherein such district was created, a duly executed power of attorney showing the authority of the person signing such bond for such company to sign same, and said power of attorney shall be duly executed by the officers of said company and have attached the company's seal, and such power of attorney shall remain on file in said office. All such official bonds shall be deposited with the district depository and be preserved by it as the property of said district.

Section 71. The supervisors for any district created under this Act shall have authority to fill all vacancies in the office of assessor by appointment, and the person so appointed shall hold his office until the next regular election held under this Act, and until his successor shall have been elected and qualified.

Section 72. All vacancies in the office of supervisors shall be filled by the Board of Supervisors by appointment, and the supervisor so appointed shall hold office until the next regular election, and until his successor shall have been elected and qualified; provided, however, that where the number of supervisors shall have been reduced by death or resignation, or other cause, to less than two, then such vacancies shall be filled by special election to be ordered by the remaining member of said board of supervisors, said election to be ordered and held after the giving of notice for the election of said officers as provided for the holding of general elections; and further

provided that if said remaining member shall fail or refuse to order such election, or if there be no remaining member on said board, then said election shall be ordered by the county judge of the county within which such district is situated, upon a petition signed by five persons interested in the election of said supervisors, whether said interested persons be tax-payers or bond-holders and when so ordered, notice shall be given of said election and such election held in the manner provided for the holding of general elections, and the supervisors elected at such election shall hold their office until the next general election, and until their successors shall have been elected and qualified. In the event that less than a quorum exists to approve the bonds of such elected supervisors, then such bonds shall be approved by the county commissioners' court of such county.

Section 73. The term of office of all officers elected for such district shall be for two years and until their successors are elected and qualified; provided, however, that all officers elected at the first election held under the provisions of this Act shall hold office only until the next regular election to be held in said district for the election of officers.

Section 74. There shall be held on the first Tuesday in January, 1921, and every two years thereafter, a general election, at which time there shall be elected five supervisors for such districts and one assessor and collector who shall be the elective officers for such districts.

Section 75. The Supervisors provided for by this Act shall each receive as compensation for their services a sum not to exceed Ten (\$10.00) Dollars for each and every day necessarily taken in the discharge of their duties as such supervisors, and said supervisors shall file with the secretary of such district a statement verified by their affidavit of the number of days actually taken by them in the service of said district, said statement to be filed on the last Saturday of each month, or as nearly thereafter as practicable, and before a warrant shall be issued for the payment of such service.

Section 76. For all service performed by any officer or individual under this Act, the compensation for which is not expressly provided for,

such officer or individual shall receive the same compensation as he would receive for like service if rendered as an officer for the county. Clerks recording orders hereunder shall receive the same compensation as would a county clerk for recording deeds, and persons posting notices hereunder shall receive the same compensation as would a sheriff for posting notices as would by law be required by him for posting notices officially.

Section 77. Contracts for the making and construction of all improvements contemplated in this Act and all necessary work in connection with such improvement district, when the cost price exceeds \$10,000.00 shall be let to the lowest responsible bidder furnishing satisfactory evidence of possessing equipment and facilities essential to the proper performance of such contract; after giving notice by advertising the same in one or more newspapers in general circulation in the State of Texas, which notice shall be published once a week for ten (10) days, and also by posting a notice for at least ten (10) days at the courthouse door of the county within which the district lies.

Such contract shall be reduced to writing and signed by the contractors and supervisors, and a copy of same so executed shall be filed with the District Depository subject to the inspection of all parties interested.

Section 78. The person, firm or corporation or association to whom such contract is let shall give bond to the district in such amount as the board of supervisors may determine, not to exceed the contract price conditioned that he, they, or it will faithfully perform the obligations, agreements and covenants of such contract, and that in default thereof they will pay the said District all damages sustained by reason thereof; such bond shall be approved by the supervisors and shall be deposited with the depository of the district, a true copy thereof being retained in the office of the secretary of the board of supervisors.

Section 79. All work included in the contract shall be done in accordance with the specifications under the supervision of the supervisors and district engineer. As the work progresses the engineer of such dis-

trict shall make report to the supervisors showing in detail whether the contract is being complied with, and when the work is completed, he shall make a detailed report of same to the supervisors showing whether or not the contract has been fully complied with according to its terms, and if not in what particular it has not been complied with.

Section 80. The supervisors shall during the progress of the work under any contract, inspect the same, and upon the completion of any work in accordance with the contract, they shall draw a warrant on the depository of the district for the unpaid amount of the contract price, in favor of the contractor, and if the Supervisors shall deem it advisable, they may enter into a contract to be paid in partial payments as the work progresses; but such partial payments shall not exceed in the aggregate, eighty per cent of the amount of work done, the said amount of work completed to be shown by certified report of the engineer of the district.

Section 81. Fresh Water Supply Districts created under this Act shall have a common seal which shall be circular in form, with the name of the District within the circle and a star of five points in the center.

Section 82. After the establishment of any such Fresh Water Supply District, and after the qualification of the Board of Supervisors, the Board of Supervisors for such district may appoint an engineer whose duty it shall be to make maps and profile of the several canals, reservoirs, aqueducts, conduits pipe lines, pumping plants and all other works in such district and connected therewith, and shall also show any part of said canals, reservoirs, aqueducts, conduits, pipe lines, pumping plants or other works extending beyond the limits of such district. And to do such other and further work connected with such district as may be directed by the Board of Supervisors. Such engineer to receive a salary not to exceed Thirty-six Hundred (\$3600.00) Dollars per year as may be fixed by the Board of Supervisors for such District; provided said engineer may adopt other maps, plats and surveys of the correctness of which he may be satisfied.

Section 83. There is hereby created what shall be termed the "Interest and Sinking Fund" for such district, and all taxes collected under the provisions of this Act shall be credited to such fund, and shall never be paid out, except for the purpose of satisfying and discharging the interest on said bonds or for the cancellation and surrender of such bonds and to defray the expenses of assessing and collecting such tax and such funds shall be paid out upon orders of the supervisors for such district upon warrants drawn therefor, as hereinbefore provided, and at the time of such payment the depository of said district shall receive and cancel any interest coupons so paid or any bonds so satisfied or discharged, and when such interest coupon or bond shall be turned over to the Supervisors, the account of such depository shall be credited with the amount thereof, and such bond or interest coupon shall be cancelled or destroyed.

Section 84. There shall also be created a fund known as the "Maintenance and Operating Fund," and such fund shall consist of all moneys collected by assessment or otherwise for the maintenance and operation of the properties purchased or constructed or otherwise acquired by such district and out of this fund shall be paid the salaries of all officers other than the assessor and collector and of all employes of every kind whatsoever, and all expenses of operation of every kind, such debts to be paid upon a warrant executed as otherwise provided herein.

Section 85. No supervisor, engineer or any employe of any district created under this Act shall be interested directly or indirectly, either for themselves or as agents for any one else, in any contract for the purchase of any material required, or for the construction of any work by said district, and if any such person shall directly or indirectly become interested in any such purchase or contract, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not to exceed one thousand (\$1000.00) Dollars or by confinement in the county jail for not less than six months nor more than one year, or by both such fine and imprisonment, and shall be removed

from office, and disqualified for further service.

Section 86. The Depository of each Fresh Water Supply District when designated as provided in this act, shall perform the service as treasurer of the district, and shall execute a bond as such treasurer as may be required by the supervisors.

Section 87. The Board of Supervisors are hereby authorized to pay all necessary costs and expenses necessarily incurred in the creation and organization of any Fresh Water Supply District, and reimburse any person, corporation, or association for money advanced for such purposes, such payment to be made for money obtained from the sale of bonds.

Section 88. Provided, however, this Act shall in no manner repeal or affect the several Acts of the Legislature, providing other or different methods of organization and operating, conservation districts; and provided further that nothing in this Act shall be construed as repealing or in any manner affecting any laws providing for the reclamation of the overflow and swamp lands of this state, and the duties and powers of the State Reclamation Engineer as heretofore provided by law.

Section 89. The fact that in many sections of the State there is a scarcity of fresh water for domestic and commercial purposes, and there are many projects for the development of the different sections of the State calculated to add materially to the development of the state commercially, and impeded for the lack of adequate fresh water supply for domestic and commercial purposes, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

TWENTY-FOURTH DAY.

Senate Chamber.
Austin, Texas,
Tuesday, July 22, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum be-

ing present, the following Senators answering to their names:

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry	Page.
Carlock.	Rector.
Clark.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Hall.	Woods.

Absent.

Caldwell. Cousins.

Absent—Excused.

Bledsoe.	Johnston.
Dayton.	Parr
Gibson.	

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorrough.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Message from the Governor.

Governor's Office,
Austin, Texas, July 21, 1919.
To the Texas State Senate:

Gentlemen: At the request of Mrs. John L. Darrouzet of Galveston, I respectfully withdraw her name as a nominee for a member of the Library and Historical Commission, and desire to nominate in lieu thereof, Mrs. Edgar E. Witt, of Waco, Texas.

Respectfully submitted,
W. P. HOBBY, Governor.

An Invitation.

The Chair laid before the Senate an invitation from the County Judge of Culberson County to the Legislature to attend an annual barbecue at Van Horn on August 28th, 1919.